

MY LIFE in the NEW NOVEL VIVIAN MERCIER

THE NATION

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LETTERS

deliverance

New York City

DEAR SIR: Of the first ten Amendments, Hugo Black finds the first in order to be first in importance. This was also Martin Luther's discovery concerning the Ten Commandments. Obey the first and you safeguard the rest. Here is a wonderful deliverance from vacillation and pettifoggery. (If I may use the word during Lent, alleluia!)

Rev. George Koski

Hoover fan

Long Beach, Calif.

DEAR SIR: Your editorial, "Hoover's Successor" [*The Nation*, Mar. 7], in my opinion was in extremely poor taste. I do not feel that Mr. Hoover is above criticism, but to refer to the lauding of his achievements as malarkey or to insinuate that Mr. Hoover has been pulling wool over somebody's eyes is quite an insult to a man who should be praised, not criticized, for his contributions to the American police service.

In his some forty years in law enforcement Mr. Hoover has guided an organization which has become the very core of professional law enforcement. I cannot conceive why Mr. Hoover should be criticized for attempting to hand pick a successor. . . .

E. M. Svede

*Police Science Program
California State College*

the right to shoot

Torrance, Calif.

DEAR SIR: Although Robert Sherrill's statistics are impressive ["The Big Shoot," *The Nation*, Mar. 7], the misuse of firearms is not sufficient to warrant legislation against our right to bear arms. On a federal level, it would be impossible to distinguish between conditions existing in New York City and, perhaps, Montana or Alaska.

Further, traffic accidents kill more than four times as many people, but there is little federal control of automobiles. The majority of crime control is left to the individual state or city, not to the federal government. Therefore, I am very suspicious as to why firearms would be singled out for legislation supposedly for protection of the public.

M. L. Wyland

Fargo, N.D.

DEAR SIR: As a staunch liberal, a long-time *Nation* subscriber, an avid hunter and life-member of the National Rifle Association, I was distressed by Robert Sherrill's article.

Mr. Sherrill is guilty of gross overgeneralization (e.g., the typical NRA letter is defamatory); argument by innuendo (NRA membership is mainly comprised of paranoid extremists, each with a .38-caliber detective revolver tucked safely in a shoulder holster to insure that the bus doesn't miss his stop); argument *ad hominem*: Representative Sikes, arrested for illegal hunting, is a director of NRA (you draw your own conclusions about NRA); false implication in light of contrary evidence (were the Sullivan Act "properly administered" guns would be kept out of New York criminals' hands); and just plain distortion of fact (the rationale and forces behind Senator Dodd's bill).

Dodd, as well as nearly every U.S. arms manufacturer, is from Connecticut. . . . Examination (apparently not conducted by Mr. Sherrill) will disclose that a serious price-fixing situation exists among domestic arms manufacturers. The external pressure provided by

(Continued on page 427)

EDITORIALS

Pearson's Hot Potato

Drew Pearson practices a difficult but necessary kind of journalism. He does not have the power of subpoena nor the right to cross-examine under oath. What he does have are a capable leg man—Jack Anderson—numerous contacts, a good news sense and courage. Sometimes he misses, but there is no denying the unique service he has performed in an age in which newsmen play it safe more often than not.

Now Pearson has flushed out something which on its face would appear to be a matter of major importance and which is not receiving anything like the attention it deserves. It involves the handling by Sen. Thomas J. Dodd (D., Conn.) of campaign funds. What Pearson has had to report about the matter in his "Washington Merry-Go-Round" column is pertinent and revealing; he has named names, cited specific dates, stated precise amounts collected, and indicated the manner of disposition.

The whole affair is now in an inconclusive state that is fair neither to Senator Dodd nor to Pearson, and it will remain in that state until it is thoroughly investigated. Dodd may have a perfectly satisfactory explanation for the apparent discrepancies between campaign funds collected and actual campaign expenditures. But on its face, the material in the series calls for careful investigation. In actual fact, the Department of Justice has launched an investigation—but not of the charges. It is investigating Pearson and Anderson in response to Senator Dodd's complaint that the information used in the articles came from former employees in his Washington office. This seems an odd reaction to charges of such gravity.

But of more immediate moment is the reluctance, to date, of the Senate's Permanent Select Committee on Standards and Conduct, better known as the Senate Ethics Committee, to undertake a thorough inquiry. The committee was set up with great fanfare by a conscience-troubled Senate in July, 1964, in the wake of the Bobby Baker scandal. At that time there were those who expressed doubt that the committee would ever investigate with the rigor that would be needed if a serious effort were made to police the Senate's ethics. Sen. Clifford Case, a strong advocate of Senate reform, questioned the value of the Ethics Committee. "History," he said, "shows that legislatures do not police themselves. Apart from election frauds, only twice in the last 100 years has the United States Senate acted even to censure one of its own members for any cause." The last Senator to be censured was, of course, the late Joseph R. McCarthy.

As Senate committees go, the six-member Ethics Committee is a good one; the Democrats who serve on it are Mike Monroney, Eugene McCarthy and John Stennis; the Republicans are John Sherman Cooper, Wallace F. Bennett and James B. Pearson. But this group has shown no enthusiasm for Drew Pearson's hot potato. If the committee approach does not work now, it is not likely to work in similar cases in the future—there will always be strong political pressures not to pry into the behavior of fellow members, Democrats or Republicans. If the committee

ducks its responsibilities in this case, renewed demands will be raised for stringent conflict-of-interests legislation, or for legislation—like that proposed by Senator Case—requiring members of Congress and their employees to make public disclosures of their income, their assets and liabilities and other financial interests.

The Bishop's Hair Shirt

The Reverend Charles Owen Rice is a Catholic priest in the diocese of Pittsburgh, Pa. He is pastor of Holy Rosary Church, a largely Negro "inner city" parish which has suffered from the white exodus to the suburbs in recent years.

He is invested with the title of Right Reverend Monsignor, a designation which usually signifies that a clergyman has "arrived" in the local Church establishment. For several years his weekly column in the Pittsburgh *Catholic* and his Sunday evening radio broadcast have been a recurring needle to both big national corporate money and domestic wealth, such as the Mellons', which have carved a "renaissance city" out of the once smoky steel town where you needed two white shirts a day.

Pittsburgh Bishop John J. Wright, who stole a march on Vatican II several years ago with his ecumenical visitation among Protestants and Jews, has never seen fit to restrain the Monsignor. He told an audience once that his weekly mail always brings outraged indignation from some of the faithful over some current controversy involving "Charley Rice."

One such was the \$100 fine which the Monsignor recently paid for a 64-year-old unlicensed "jitney driver," who was arrested by city police after a detective had paid him 30c for a ride from Pittsburgh's ghetto, "The Hill," to downtown ("jitneys" provide haphazard commuter service for The Hill's Negroes, who claim that public transit schedules ignore their needs). It was either the fine or thirty days in jail, and the old man had neither money nor a lawyer to throw out an obvious case of entrapment.

Local eyebrows rose still higher last month, however, when Pittsburgh citizens joining in the International Days of Protest held their demonstration in front of the Federal Building. For, sharing the bill with spokesmen for the Committee to End the War in Vietnam, the Students for a Democratic Society and the national president of the Du-Bois Clubs of America was the Right Reverend Monsignor Charles Rice.

He had joined the ranks of the doves many months ago, in both his column and on the radio, but the rally was his first public participation in an anti-war meeting. Television newsmen were delighted by the contrast he provided with the bearded youths and the lank-haired girls. He said nothing particularly profound. He deplored the war, as did others in similar talks in dozens of American cities that same day. "We are the greatest country in the world," he said, "and we can afford to work and to sacrifice to wage peace."

Some questioned the wisdom of his participating "with that crowd." And whatever the wisdom, it did take courage for a Monsignor to share a platform with the head of the

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W. E. B. DuBois Clubs, which a few days earlier had been denounced as Communist-dominated by the Attorney General of the United States, and whose headquarters had subsequently been bombed.

But Monsignor Rice has precedent supporting him all the way back to Rome (see "Anathema Upon War," p. 415). If the Vietnamese war is fashioning the New Ethic, as Bernard Fall postulates, an ethic which will rationalize for Americans the use of genocidal tactics alien to our experience, then it may be that the moral climate of the country must be prodded by those who have staked this as their area of competence.

Bishop Wright indicated that he had accepted this challenge at the recent National Interreligious Conference on Peace, of which he is a co-chairman. The conference, which brought 500 representatives of major religious faiths to Washington, sought a "religious consensus for peace."

It began by condemning the bombing of North Vietnam and calling for a cease-fire on Good Friday. Monsignor Rice, the Bishop's hair shirt, may thus be speaking to a wider audience than the small assemblage at Pittsburgh's Days of Protest.

The Snooping Industry

Snooping, in the guise of investigation, has become not only a tool of big business and government but a big business in itself. Within the government, one department spies on another, and within each department security officers keep the bosses informed on what the employees read, who rides with whom in car pools, and otherwise collects data in areas and by means that Americans of earlier generations would have considered affronts to decency. The same surveillance goes on in corporations, even in those concerned with beauty aids, fashions and items similarly remote from national security. The road to a lifelong, comfortable career is to start as an FBI agent and then hire out to private industry. George Orwell was a prophet, except that his time span was too long.

Even today, however, there are citizens so old-fashioned as to resent these relentless invasions of privacy. The redoubtable Senator Ribicoff of Connecticut is one such, and he scored a coup in the Ralph Nader-General Motors case which *The Nation* discussed in its March 21 issue. GM's snoopers damaged the company far more than Nader had the power or inclination to do. James M. Roche, the company's president, apologized to Nader and to the subcommittee. He had not been aware of what was going on, but took responsibility—as indeed he had to on the principle of responsibility going along with authority. Whether General Motors, and other corporations, have learned anything from the episode remains to be seen.

The attempted surveillance overseas of Dr. H. Stuart Hughes, professor of history at Harvard, is, if anything, even more bizarre. Hughes's reputation as a man and a scholar is unassailable, but in the eyes of the snooping agencies of the government he has a grievous fault: he is opposed to the U. S. involvement in Vietnam. Consequently, when Hughes decided to travel in Europe on a sabbatical leave in the fall, the FBI asked the State Department to

instruct the American embassies in Paris and Moscow to send back "pertinent information" on his activities. The messages that were sent to the embassies, through the passport office of Frances G. Knight, stated that Hughes had strong pro-Communist convictions—which is a complete falsehood. Miss Knight, a noted in-fighter and a lady with strong support among right-wing Senators, disclaimed personal responsibility for the particular surveillance order, which was canceled when Sen. Edward M. Kennedy wrote a sharp letter of protest to Secretary Rusk.

That political idiocy often determines the actions of the FBI hardly needs proof by this time, but why requests for snooping should be automatically honored by the State Department is not at all obvious. The Attorney General has technical responsibility, at least, for what the FBI does to citizens. Would it be too much to ask that he take a hand in such matters? And although Dr. Hughes cannot possibly be injured among those who know him or his books, many Americans will have seen his name for the first time in connection with this unsavory incident. He has sustained harm at the hands of those whose duty it is to facilitate his travels. Would it not be in order for Secretary Rusk to apologize to him, if only to discourage zealous bureaucrats in the future?

The Consumers' Rights

In the issue of November 22, 1965, *The Nation* called attention editorially to broadcast racism and what might be done about it. A Jackson, Miss., station, WLBT-TV, was managed by a member of the local White Citizens Council on an openly segregationist basis. The station editorialized against integration, refused Negroes equal time on civil rights issues, offered a lily-white program and, when it found it necessary to refer to Negroes at all, omitted titles of courtesy. These practices came under serious challenge from progressive whites and Negroes alike, including a petition of the United Church of Christ to deny renewal of the station's license. The Federal Communications Commission renewed the license, but for a period of only one year, in effect putting the station on probation. In taking the action, however, the FCC refused to recognize the church's right to intervene, holding that this right extended only to those who were economically involved.

But on March 25, the U.S. Court of Appeals for the District of Columbia ruled that Negro citizens in Jackson must be given a hearing on their charges of racial discrimination in the WLBT-TV case, and on other charges, such as that the station carried "disproportionate amounts of commercials and entertainment," meaning, presumably, that there was not enough entertainment and too much advertising. The ruling was described as "a very sweeping decision" by Henry Geller, general counsel to the FCC. It was clearly so intended. Judge Warren E. Burger, who wrote the opinion, held that the FCC had misconstrued a Supreme Court decision of 1940 by granting "standing" only to parties who had an economic stake in the outcome. "Unless the listeners—the broadcasting consumers—can be heard," Judge Burger pointed out, "there may be no one to bring programing deficiencies or offensive overcommer-

cialization to the attention of the commission in an effective manner."

The opinion was unanimous. According to Mr. Geller, the full commission will decide whether to appeal the case to the Supreme Court, subject also to a final determination by Solicitor General Thurgood Marshall. If the commission should move to appeal, the Solicitor General should exercise his veto. Broadcasting is not for the broadcasters but for the public, which owns the air waves and in the end pays the bills.

Investigate the Martians

Flying saucers (or UFOs) are back in a big way. The present craze started last year ("The Return of Flying Saucers," *The Nation*, September 13, 1965) and will probably reach its peak this summer when the weather is warm enough for millions to stand outside and look up at the night sky. Already one major book and a TV news special are in preparation to exploit and encourage this foolishness. Much of the power of the saucer myth springs from a deep and widespread distrust of authority—scientific, military and governmental. For years flying-saucer organizations have decried "a vast conspiracy of silence to cover up the truth about saucers" and a lot of people are willing, even eager, to believe the worst.

The Air Force, which is charged with investigating strange flying things, has been unusually open about its findings. But since they have discovered no evidence of spaceships, the enraged saucerers are unsatisfied. They want a Congressional investigation, and House Minority Leader Gerald Ford seems willing to accommodate them. *The Nation* suggests that the investigation be turned over to the House Committee on Un-American Activities, a body with unparalleled experience in uncovering nonexistent conspiracies. Besides, it would give HUAC something harmless to do. How can you persecute a Martian?

Quick Check

Nothing is so frustrating as observing the right thing being done for the wrong reason. The Miami City Commission recently established a program that works like this:

For two bucks a head, an employer can send all of his people over to the Miami Stadium, where the police department fingerprints and mugs the citizens and runs a record check on them—confidential, of course. So confidential that if the citizen turns up with a police record, the only person notified is the employer. Anyway, if the worker is clean, he is issued an identification card. Now, there is no law that says an employee *has* to undergo this little examination. There is also no law saying that he has an inalienable right to hold down a job at the XYZ Corp. if he chooses to exercise his option on the police check. An employer can make it a condition of employment.

The law was passed mainly to keep degenerates, perverts, mad bombers, and God knows what all out of the hotel business (Miami Beach has a law just like it, specifically addressed to hotels), but in the two months during which the Miami law has been in effect only about 1,500 workers

have been processed—few of them hotel employees. The rest worked for companies which agreed with the City Commission that you can't change a leopard's spots (city commissions always think in clichés).

It was learned recently that the Greater Miami Hotel and Motor Hotel Association had boycotted the program. This looked like a bright spot, but it faded quickly when Frank S. Henry revealed that the association did not go for the program because it wasn't compulsory.

"It gives a competitive advantage to those hotels who won't require the check," he pronounced, adding that he once unwittingly hired a convicted murderer as a hotel porter (who presumably has gone back to murdering for a living, since he lost his swell job as a Miami hotel porter).

The program can't be compulsory, the city attorney pointed out, because that would cut it a bit fine with those black-robed men up in Washington. And so the City Commission, which last year tried to pass a "stop and frisk" law, heard Miami City Manager Melvin L. Reese lament that without the support of the hotel industry the program would probably languish and die.

Lieutenant at Liberty

Nation readers will be pleased to learn that Second Lieutenant Henry H. Howe, Jr., has been released from confinement in the U. S. Disciplinary Barracks at Fort Leavenworth on his own recognizance. (See "Lieutenant on the Peace Line" by John Rechy, *The Nation*, February 21.) After his conviction on December 22, Lieutenant Howe was sentenced to two years' imprisonment (later reduced to one year). When an application for *habeas corpus* was dismissed, a motion was made to the Appellate Court to have Lieutenant Howe released on bail pending a formal application for the writ. This motion was denied. Then an application was made to the Supreme Court for his release on bail pending a determination of the appeal. While this application was pending, the order came for his release. Since the Secretary of War had previously refused to act, the order presumably came from a still higher authority. Whatever the source of the order or the reasons which prompted it, it is good to know that Lieutenant Howe will be free until his case has been settled. Credit is owed to the American Civil Liberties Union for its timely intervention and to its counsel, Melvin L. Wulf, for his fine efforts in Lieutenant Howe's behalf. And we must also note that John Rechy's report helped bring the case to national public attention.

Now Cosa Nostra and the Klan

Once the subject of feverish debate and intense discussion, the McCarran Act has long since been relegated to the fossil museum of the McCarthy period. But two recent developments have placed it once again on the agenda for renewed discussion and debate. One is the Attorney General's decision to compel the W. E. B. DuBois Clubs to register as a Communist-front organization (see "Guilt by Pronunciation," *The Nation*, March 21, p. 317). The other is the first legislative proposal to come out of the investiga-

tion of the Ku Klux Klan by the House Un-American Activities Committee. Rep. Charles Weltner, a member of the committee, has introduced H.R. 12302 which would convert the Subversive Activities Control Act into a Criminal Conspiracies Control Act. To the present category of organizations which conspire to overthrow the government by force and violence, it would add organizations which conspire to deprive citizens of their rights by force or intimidation (the K.K.K.), and organizations which conspire to frustrate and evade federal criminal statutes (Cosa Nostra).

The new proposal vindicates those—*The Nation* included—who have consistently warned that failure to repeal the McCarran Act might well lead in time to an effort to revise it or even extend it. If the act is amended along the

lines suggested by Mr. Weltner, it will constitute a greater threat to civil liberties than does the original legislation, which has been somewhat emasculated by Supreme Court decisions.

Students for a Democratic Society were, therefore, on the right track in sponsoring a recent teach-in at Princeton on the McCarran Act. Preceding the teach-in, ninety members of the faculty, from many disciplines, including such well-known faculty members as Hugo Bedau, Martin Duberman, Richard Falk, Walter Kaufman, Duane Lockard, Fritz Machlugh, Williard Thorp, Michael Walzer and H. H. Wilson, signed a petition calling for outright repeal. This is a much stronger show of hands than could have been secured during the heyday of McCarthyism and a promising omen for a renewed campaign for repeal.

GANGRENE OF VIETNAM

ALEXANDER WERTH

Paris

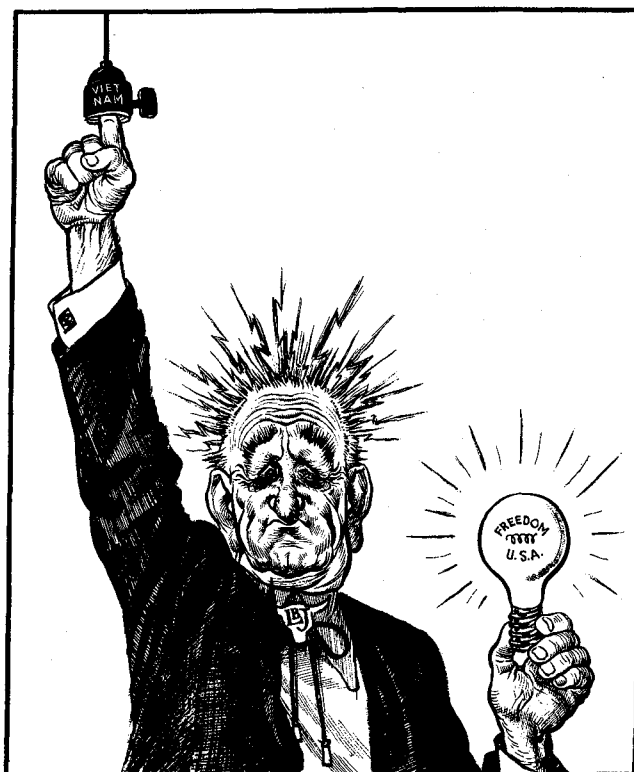
There have been some excellent first-hand reports on Vietnam in the American press, but even in many of these one has the impression that, to their authors, Vietnam is still part of the proverbial inscrutable East—unless it is (much more simply) a particularly virulent outpost of world communism. The French, on the other hand, have had a painfully long experience of Vietnam, and there are French writers who, when they deal with Vietnam, really give the reader the feeling that they are doing so with twenty or twenty-five years' experience of that highly complicated country behind them. Among such writers are Philippe Devillers, the author of the admirable *History of Vietnam, 1940-52*, and *The End of a War: 1954*, the latter written jointly with Jean Lacouture; Lacouture himself, the distinguished *Monde* correspondent who published less than a year ago *Le Vietnam entre deux paix* (*Vietnam Between Two Truces*) which Mr. Bundy, Mr. McNamara and other important persons in the United States would find highly instructive; and Robert Guillain, *Le Monde's* Far Eastern expert.

Guillain, who knows Vietnam inside out, has just spent several weeks there and has published a series of four long articles in *Le Monde* under a general title that carries a significant Algerian echo: "Gangrene of Vietnam." One of the recurring themes of his detailed report is the psychological gulf between the Americans in Vietnam and the "Asiatics," including those patronized by the Americans and those deriving the biggest financial benefits from the countless rackets to which the Americans' "presence" in Saigon has given a wonderful new lease on life.

His conclusions, summed up in his last article, entitled "Five More Years of War?" are gloomy. Here are some of them:

The whole political structure erected by the Americans and their South Vietnamese protégés is extremely fragile. Strictly speaking, there is in South Vietnam no such thing as a "political situation"; there is only a "military situation."

It suits the American military to have turned the South Vietnamese government into a sort of executive organ, with no political functions to speak of. Not that this means that General Ky can be certain of a great and lasting future, for he is not even sure of American support in the long run. More than a month after the "Honolulu honeymoon," relations between the South Vietnamese junta and the Americans are far from perfect; "after Johnson's statement on elections in Vietnam, Robert Kennedy's advocacy of a coalition government and various other official Washington statements, Ky and his friends have turned rather sour. . . . Behind the mighty and ruthless American military com-



Macpherson, Toronto Star

Statue of Liberty

mitment they detect an American opinion torn by different and contradictory desires."

The Saigon junta, says Guillain, has no support among the population. There are rivalries among Catholics and Buddhists; Ky's colleagues consider his election plans "dangerous and impracticable." All this plays into the hands of the National Liberation Front, since *the NLF alone is in genuine contact with the people*. The Vietcong will fill the existing political vacuum; in practice, it has probably already done so. The Vietcong's agitators are increasingly numerous in Saigon, and their propaganda has a powerful appeal, since its three main themes are anti-Americanism, economic discontent and the desire for peace.

Saigon is a city of contradictions. Part of the population is indifferent to the war and is merely interested in making what dollars it can out of the American occupation; the intellectual elite (mostly French trained) are in a "waiting" mood, careful not to commit themselves openly; and although the American military machine is no doubt strong enough to cope with both a military threat to Saigon and an insurrection inside the city, Saigon remains terribly abnormal and artificial.

The American military activity, says Guillain, is no doubt highly impressive with its five or six major operations a month, with 450 air sorties a day in South Vietnam and

fifty or sixty over North Vietnam, two raids by giant B-52 bombers, 10,000 to 15,000 men involved in one particular operation, etc. But the results of this huge effort are disappointing. No doubt serious losses are inflicted on the Vietcong, but usually these dodge a head-on collision, and "neither the Americans nor the South Vietnamese succeed in holding lastingly the 'cleaned-up' territories." Hence the "screams coming from all sides for more and more American reinforcements." In a radius of 20 miles around Saigon, new encampments are being built to house 100,000 more American soldiers.

It may well become an even bigger war, but the results thus far are small compared with the energy applied. Guillain described Operation Utah in which a Vietcong regiment (which, for once, accepted combat) was destroyed with the expenditure of 200 tons of napalm, 15,000 shells, 190 air sorties, 3,000 helicopter flights.

Even at this rate, as Admiral Hyland recently remarked, it will take five years to break the Vietcong. (And will not this mean exterminating a large part of the population?)

Without raising again this horrible question in this particular context, Guillain concludes that the Saigon puppets simply do not believe that they can expect American democracy to remain "faithful" to them for so long. "Or blind for so long, as we might say," Guillain adds.

VATICAN II

ANATHEMA UPON WAR

ELISABETH MANN BORGESE

Mrs. Borgeese contributes frequently to The Nation on European intellectual and political matters. This article is her fourth on the Ecumenical Council, the earlier ones being: "The Church Embraces the Future," January 12, 1963; "Vision of a Modern Church," January 13, 1964, and "Empire to Commonwealth," January 18, 1965.

"The Work of the Council has just begun."

If you asked one of those elderly ladies who people the half-empty churches in the Holy City whether the conclusions reached by the Ecumenical Council had changed her relation to the Church or to religion in general, she would shrug her shoulders. The relations between the faithful and the Church never change, she would answer. And the little parish priest, who just finished reading Mass, would agree. True, the Mass he celebrated was partly in Italian, which rather complicated his life. True, also, on that Friday they could have had meat for dinner; but they did not, because on Friday there is good fish in the market. That has always been so, and will not change even though the Pope had said it would. These are little things, but also on bigger things—for instance, on the issue of birth control—nothing had changed either. Nothing ever would change.

It will be a long time before the "common man" feels the impact and grasps the nature of the quiet revolution wrought by Vatican II. "The work of the Council has just

begun," is in fact what the fathers said as they took leave, on December 8, from St. Peter's and its splendidly solemn pageantry. The accomplishment of these four years is imposing and without precedent. To a larger extent than could have been expected even a year ago, it embodies the innovating theories, the revolutionary hopes we enlarged upon in three previous articles published by *The Nation*. It marks the end of the Constantinian era; the end, that is, of the Church's secular power and ambition and its alliance with states and their rulers. By virtue of its mission and nature, the Church is bound "to no particular form of human culture, nor to any political, economic, and social system. . . ." (Decree on the Modern World). A "return to the origins" is embodied in the Constitution on Divine Revelation (November 18, 1965), which stresses the importance of Scripture as source of Revelation.

The return to origins means a return to the essence of faith, to its true universalization, by the sloughing off of accidental accretions. And the recovery of a pre-schismatic spirit, in turn, facilitates relations with the "separate brethren" (Ecumenicism, November 21, 1964), with the non-Christian religions (October 26, 1965) and nonreligious humanity (Church and the Modern World); relations that must be based on freedom of religion (December 8, 1965). Universalization implies decentralization, expressed in a de-Latinization of functions (On Liturgy, December 4, 1963) and organs (reorganization of the Roman Curia); in the confer-

ment of new powers on bishops and Councils of Bishops (October 28, 1965), and in the concept of collegiality: the sharing of the government of the Church between the Pope and a College or Synod of Bishops (De Ecclesia, November 21, 1964). The new unity between Pope and bishops is paralleled by the new unity between priesthood and laity as one "People of God" (Apostolate of the Laity, November, 18, 1965).

Trying to assign to this great Council its place in the context of the twenty that have preceded it in history, one of the fathers (quoted by Hanno Helbling in his excellent series of reports and comments in the *Neue Zuercher Zeitung*) referred to the monastic vows. The Council of Trent, he suggested, stood under the sign of *chastity*: summoning the Church to a more rigorous discipline in reaction to the crisis of the Reformation. Vatican I appeared under the sign of *obedience*: feeling the impact of the social and intellectual revolution then sweeping Europe, the Church ran for harbor in the concept of the absoluteness and infallibility of its head. Vatican II, finally, is under the sign of *poverty*. Confronted with the poverty of the great majority of the world's people, the Church can fulfill its mission only by sharing this condition and sharing in the struggle for improvement.

The motif of poverty does, in fact, run like a leitmotiv through all sessions; it was taken up, time and again, by the Pope, in gestures and speeches which provided a continuous running comment, as it were, to the proceedings of the Council. The trip to India, the donation of the tiara, are illustrations of this aspect of the Council's intentions. To these might be added the rehabilitation of the office of worker-priest and the creation of a special secretariat for the war on poverty. In a speech he delivered before an association of Catholic businessmen on July 4, 1964, Pope Paul made the following extraordinary statement. In the capitalist system, he said, "there is something profoundly mistaken, something radically insufficient. . . . The concept of the unilateral possession of the means of production and of an economy directed prevalently to private profit is not perfect, is not peace, is not justice, if it divides men into irreducibly conflicting classes."

All this is revolutionary. It is also marvelously logical and systematic. But the common man is little aware of it, and "the work of the Council has just begun." To fill in and interpret the new theory, the New Theology, will take decades and require a new generation of missionary and priest, down to the parish level (The Pastoral Duty of Bishops, The Renewal and Adaptation of Religious Life and Seminaries, October 28, 1965; On Christian Education, October 28, 1965). But there is one portion of the teaching of this Council whose revolutionary effect on the masses of Catholics may be immediate, and that is the new doctrine on war and peace.

The foundation of this doctrine is laid in Pope John's Encyclical, *Pacem in Terris*. Published on April 10, 1963, between the first and second session of Vatican II, it really sums up, in advance, the Council's voluminous teachings. Retrospectively, it would seem as though the ailing Pope, aware of the imminence of death and the impossibility of guiding his Council to its conclusion, had left this Encyclical

as a personal testament—providing answers to many of the basic questions the Council had to face, and holding forth the aim of a modern Church in a modern world.

The truly revolutionary feature of the Encyclical was the abandonment of the age-hallowed distinction between just and unjust wars:

Men are becoming more and more convinced that disputes which arise between States should not be resolved by recourse to arms but rather by negotiations. It is true that on historical grounds this conviction is based chiefly on the terrible destructive force of modern arms. And it is nourished by the horror aroused in the mind by the very thought of the cruel destruction and the immense suffering which the use of these armaments would bring. *And for this reason it is alien to reason to suppose that in the atomic era war could be used as an instrument of justice.*

It should be noted that the Encyclical does not say "war waged with atomic weapons," which might leave the door open for Catholics to endorse war waged with "conventional means of mass destruction" as an "instrument of justice." The Pope says *war as such*, in the atomic era, cannot be used as an instrument of justice.

The Pope does not fail to draw the logical conclusion from this fact. He suggests "that the arms race should cease, that the stockpiles which exist in various countries should be reduced equally and simultaneously by the parties concerned; that nuclear weapons should be banned, and that a general agreement should eventually be reached about progressive disarmament and an effective method of control." To achieve this, the Pope, with cogent logic, calls for nothing less than a world government, armed with powers "to tackle and solve problems of an economic, social, political character which are posed by the universal common good."

That may be a problem for the more or less imminent future; but the abolition of the distinction between just and unjust war and the condemnation of war as such present the Catholic with an immediate moral problem. They raise the question of whether the state must or must not be obeyed when it requires of the Catholic service in war, which the Church now condemns:

Since the right to command is required by the moral order and has its source in God, it follows that if civil authorities legislate for, or allow, anything that is contrary to that order and therefore contrary to the will of God, *neither the laws made nor the authorization granted can be binding on the conscience of the citizen since we must obey God rather than men.* —*Pacem in Terris*

During the second session of Vatican II, the problem posed by the Encyclical was much discussed in Rome in private and semi-public gatherings. Many of the "progressive" Council fathers thought that the Council should make an explicit statement against the use of atomic weapons in particular and against war in general.

Thus at the third session, the issue was brought to the floor of St. Peter's. The atmosphere was tense. The "progressives," who by now enjoyed an overwhelming majority, were sadly divided on this issue. Many of the American and British fathers put the flag before the faith. No conclusion was reached. The discussion was judged "immature" by many observers.

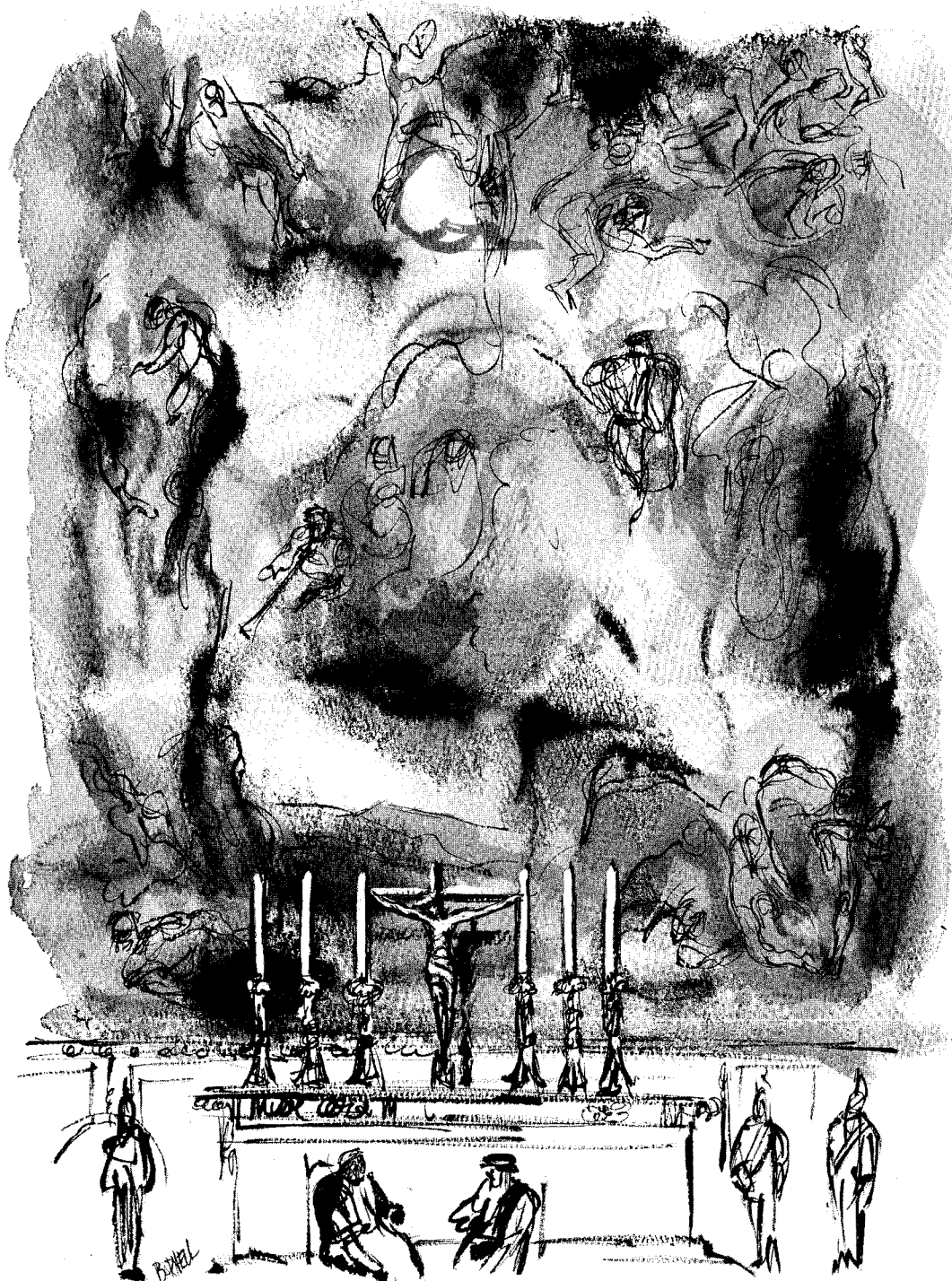
Nothing strikingly new came to the floor during the

fourth session. Those "progressives" led by Abbot Butler of Downside, director of the Benedictine order of England, together with French, Spanish and Canadian prelates, held that mere possession of atomic weapons violates Christian morality and that distinctions between offensive and defensive war were today both useless and dangerous. The Church should therefore demand that atomic weapons be outlawed. At the same time they called for stronger recognition of the rights of conscientious objectors. American prelates, on the other hand, insisted on the recognition of the use of "defensive" nuclear weapons, and criticized the "ban-the-bomb" attitude as "unrealistic." It "fails to acknowledge the justice of war to redress wrongs," Archbishop

Hannon said. Nor did it recognize that "the possession of nuclear weapons by the West had saved great parts of the world from aggression."

Thus the "hawks" and the "doves" had their say at the Council, but the doves carried the day with the strong vote in favor of the final text of the constitution on The Church and the Modern World. The text reads:

All these considerations compel us to undertake *an evaluation of war with an entirely new attitude*. The men of our time must realize that they will have to give a somber reckoning of their deeds of war, for the course of the future will depend greatly on the decisions that they make today. With these truths in mind, this most holy synod makes its own the condemnation of total war already pronounced by



recent Popes, and issues the following declaration:

Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation.

At the same time, the constitution appeals in favor of conscientious objectors: "Moreover it seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms, provided, however, that they agree to serve the human community in some other way."

The effect of this new dogma on war and peace, reinforced on every suitable occasion by the Pope's personal actions and declarations, from his epoch-making appearance before the United Nations to his exchange of telegrams with the leaders of the Communist world, was bound to be revolutionary and immediate.

Unprecedented things, in fact, began to happen in many parts of the world. It is breath-taking to gauge their growing impact, and the changing attitudes toward them of courts and governments.

In January, 1963, a young Catholic by the name of Giuseppe Gozzini was sentenced to prison for refusal to wear a uniform and to bear arms. Where the laws of men contradict the laws of God, he claimed, the laws of men are invalid. Since war is today a crime against God, no civil authority can force a Christian to make himself guilty of this crime. Since war is based on military service, military service must be refused.

The case was provocative. A few hours after the sentence of the court, a right-wing Catholic, ex-military chaplain, declared in an article published by the Florentine daily *La Nazione* that the young man had violated not only Italian law but also divine law because his disobedience was against the "moral laws imposed by Christ and his Church." Since the chaplain was not speaking merely as a private Catholic but as a spokesman for the Church, it was inevitable that others should take issue with him.

The first to come to the defense of the imprisoned man was Father Ernesto Balducci, an outstanding Catholic philosopher and scholar, from whose writings I have had occasion to quote before in these pages. In an interview, published by the Florentine Catholic daily *Il Mattino* the following day, Balducci said that since the invention of nuclear bombs and other means of mass destruction, the Church had authoritatively declared that war was unjust under any circumstances and constituted a violation of natural and divine law. In the case of total war, therefore, he concluded, the Catholic "has not only the right but the duty to desert."

Now a veritable storm broke loose: attacks in the papers, debates in parliament. Father Balducci was prosecuted as an accessory to the crime: "Encouragement to soldiers to disobey the laws and incitement to contempt of institutions, laws, and authorities." Along with Father Balducci, the director of *Il Mattino* was prosecuted for having published the indicated text.

The discussion, at the Florentine Tribunal, jam full of friends and foes of the conscientious objectors, was fascinating. Here are some excerpts:

Balducci: In what concerns conscientious objection as such, for which I have proposed a specific provision on the part of the law—in the context of the Christian perspective in which I have placed myself, it appears as a moral and religious choice, aimed at testifying to an absolute will.

President of the Court: But if what you call "total war" came from outside, if it came to us in the form of aggression, in order to impose on us atheism, perhaps?

Balducci: Total war is intrinsically unjust, according to the moralists of the post-Hiroshima era. It is intrinsically unjust because of the disproportion between the means applied and the aims supposedly to be reached. In this case the Christian conscience must disobey. Pope Pius XII himself has said that it is better to undergo injustice than to step down to the level of those who perpetrate an execrable action.

Public Prosecutor: But in that case—if we are victims of an aggressor and undergo his violence, must we abstain from defending ourselves?

Balducci: Yes, we must refuse to fight, if, in order to defend ourselves, we should take recourse to total war.

The court absolved Father Balducci and his co-defendant on the ground that his reasoning, as expressed in the interview, "does not constitute a crime."

However, this episode was merely the beginning of a long story. The Italian authorities could not acquiesce. If Father Balducci was right, the Italian state, and states everywhere, might be faced tomorrow with the problem of thousands, of hundreds of thousands, of Catholic conscientious objectors. The sentence of the Florentine Tribunal was appealed. On November 15, 1963, the Appellate Court condemned Father Balducci and his co-defendant each to eight months in jail.

The terms of the sentence were long and tortuous; aggressive and aggressive, insulting even, and insecure. Not content with a condemnation on legal and constitutional grounds, the judges arrogated to themselves a theological condemnation. Thus the sentence degenerated into a theological disputation, and not a very good one at that. While the highest authorities of the Church maintained an inscrutable silence on this matter, the court, more papal than the Pope, got busy digging up outworn phrases by obsolete authorities. The Church has never exposed to question the teachings of the great fathers on any matter, not even on war and peace. But the Church knows that the war we are dealing with today is not only quantitatively but qualitatively different from the war St. Augustine was dealing with. What he had to say remains valid for his type of war. Our wars require new doctrine. The Church knew this. The frightened Italian state chose to ignore it.

The implications were grave. The sentence, a well-known Italian jurist, Giorgio Moscon, wrote in the liberal paper *Il Mondo* (December 17, 1963), confirms "a judicial tendency that seems to be quite dangerous and pregnant with consequences. The tendency, that is, to motivate judicial decisions with arguments which not only are extra-judicial but even theological, concerning doctrinal questions; and, to make things worse, controversial ones: questions of Catholic religious mysticism and morals. . . ."

In the meantime, however, *Pacem in Terris* had been published, and it supported in full Father Balducci's point of

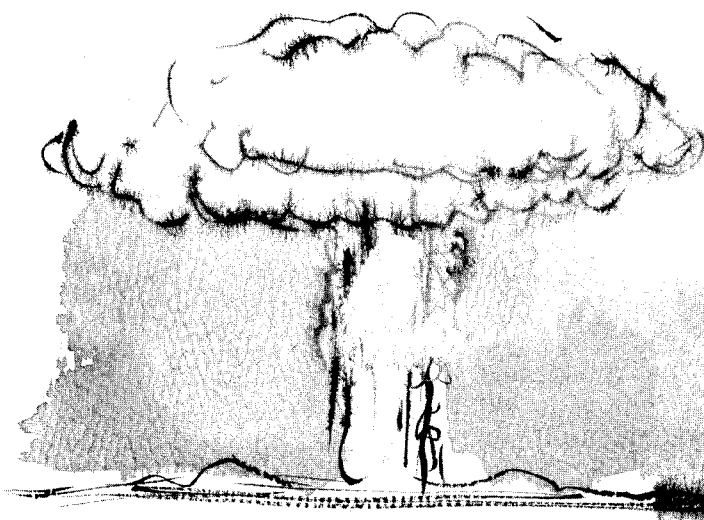
view. Pope John had died on June 3. Pope Paul, assuming his inheritance, had explicitly made of peace "the only true program" of his pontificate.

Messages of solidarity reached Father Balducci from every quarter: from high-ranking Catholic prelates in Italy and abroad; from Protestants and Jews; from civic organizations. He was inundated with telegrams, letters to editors, resolutions.

The second session of Vatican II was in course at St. Peter's. Many of the assembled fathers declared in public their disapproval of the decision of the Appellate Court and their full solidarity with Father Balducci. Cardinal Koenig assured them that Schema XIII would contain a clause in defense of conscientious objectors. Cardinals Lecaro, Feltrin and Lienart declared themselves in favor of such a clause. The "case Balducci" thus assumed notable importance in the formation of the new dogma on war and peace.

But in spite of this changed spiritual atmosphere, the Italian state did not budge. On June 3, 1964, the Supreme Court rejected Father Balducci's appeal and confirmed the sentence of the Appellate Court. As a result of these counter forces, the spiritual triumph and the legal defeat of Father Balducci were thus sealed.

The number of Catholic conscientious objectors continued to rise. By February, 1965, thirty-one were in jail. Another military chaplain—head of an association of mili-



tary chaplains—found it necessary to intervene. In the name of his association (whose members, however, he failed to consult) he published a "resolution" in which he heaped insult and malediction on the heads of his religious confreres.

Promptly another priest, Don Lorenzo Milani, came to their spiritual defense. The conscientious objectors, he claimed, are undoubtedly better Catholics than the chaplain who mocks their sacrifice. This letter, first circulated privately, was published by the Communist paper *Rinascita* on March 6, 1965. As in the Balducci case, the state proceeded against the priest and against the paper that published his incitement to disobedience.

The trial was set for October 18, but had to be postponed because Father Milani was ill. On that date, however, he published a lengthy "self-defense"; it is a truly remark-

able document that should be translated and distributed everywhere.

The letter is divided into three parts. The first describes Father Milani's life in one of the poorest and most forlorn of Italian mountain villages, where he made the spiritual, civic and economic elevation of its underprivileged and disinherited children his lifelong avocation. Noble and wealthy by birth, Father Milani could have had a brilliant career in the hierarchy of the Church, but he chose to become a parish priest and a teacher. With his own hands he built the little school where he was to carry on his activity until his failing health confined him, recently, to a hospital.

In the second part of the letter, Father Milani speaks as a teacher and civil servant. He quotes the Italian constitution, which "repudiates war." He refers to paragraphs of the civil code which state that soldiers must not obey when the action that has been ordered is manifestly criminal, such as the bombing of hospitals, the use of poison gas, etc. He points to international agreements barring the use of poison gas, for example. Under Italian law, such treaties are considered an integral part of the constitution. Reasoning along lines quite analogous to those recently developed in the United States by David Mitchell in his fight against the draft, Father Milani concludes: "At Nuremberg and Jerusalem men have been condemned for their obedience. All mankind agrees that they should not have obeyed: for there exists a law which men perhaps have not yet transcribed into their law books but which is written into their hearts. A large part of humanity calls it the law of God. Others call it the law of conscience. Those who believe neither in the one nor the other are a tiny, sick minority. It is they who advocate the cult of blind obedience. To condemn our letter is tantamount to telling the young Italian soldiers that they must not have a conscience; that they must obey like robots, and that their crimes will be paid for by those who gave the order."

But it is the last part of this 30-page document that is most important in the context of the present discussion. For here Don Milani speaks as a priest, as "a living part of the Church." More than that, as its minister. "*If I had said anything extraneous to its teaching, the Church would have condemned me.*" The Church did not do so because my letter says things that are elementary to Christian doctrine. The doctrine that places the law of God before and above the law of man is accepted, nay, glorified, by the entire Church." There are some theologians, Father Milani continues, who misquote in this context the saying of St. Peter: Obey your superiors even if they are evil. "Certainly," he concludes, "it is of no importance whether the person who commands is personally good or evil. Only he will answer before God for his own deeds. It is important, however, whether he orders *us* to do good or evil, because for our own actions *we* will have to answer before God. So much so that St. Peter wrote his wise exhortations in favor of obedience from jail—where he was kept for having solemnly disobeyed."

Father Milani next quotes a precept of the Council of Trent (Catechism, part III, precept iv, par. 16): "If the political authorities command anything iniquitous, they must not be listened to. In explaining this matter to the people, the priest should point out what great and com-

mensurate prize will be in store in heaven for those who obey this divine precept"—that is, who disobey the state!

He then points out that "the Church never admitted that it is licit in a war to kill civilians, except if it happens incidentally, that is, during an effort to hit a military target." In this context he quotes an article by Nobel Prize-winner Max Born, published by the *Bulletin of the Atomic Scientists* in April, 1965: "Born says that during the First World War, 5 per cent of all fatal casualties were civilians; 95 per cent were military (one still could sustain the thesis that the civilians had died 'incidentally'). During the Second World War, 48 per cent of the dead were civilians, 52 per cent military (it was no longer possible to claim that the civilians had died 'incidentally'). In the Korean War, 84 per cent of the dead were civilians, 16 per cent military (one may now sustain the thesis that it is the military who are killed 'incidentally!')." Born's article was published before figures were available for the Vietnamese war. It is not likely that they would have reversed the trend.

"We all know," Father Milani continues, "that generals today study strategy in terms of 'megadeaths' (one megadeath = 1 million dead) that is, that today's weapons aim directly at civilians, and that perhaps only the military will go scot-free. As far as I know there is not one theologian who would admit that a soldier may aim directly (one may even say, exclusively) at civilians. *In this situation the Christian MUST object—even if it cost him his life.* I should add that it would seem to me logical that in such a war the Christian may not participate even as a kitchen hand."

Don Milani concludes his document with a challenge: "I cannot help declaring in explicit terms *that I shall continue to teach my boys what I have been teaching them thus far. . . .* I hope that my fellow priests and teachers of all religions and all schools all over the world will teach the way I do."

The ecclesiastic authorities kept quiet. They had no alternative. They were reaping the harvest they had been sowing, from the day *Pacem in Terris* was published to the promulgation of Schema XIII. It was a good harvest.

The trial finally took place on February 15, 1966. Don Milani, gravely ill, could not be present. He, and his co-defendant, the editor of *Rinascita*, were absolved. The liberal and leftist Italian press were jubilant.

In view of the proximity of these events to the Holy See and of the particular relations between the Church and the Italian state, the cases of the Italian Catholic conscientious objectors and their spiritual instigators and defenders are, perhaps, of particular interest. But the consequences of the quiet revolution are beginning to be felt elsewhere as well. One of the young Americans who burned himself to death in protest against the Vietnamese war was a devout Catholic. (The adoption of Buddhist techniques such as self-burning and hunger strikes by active Catholics is in itself interesting and certainly not without relation to the Ecumenical open-door policy of the Council.) The Church condemned the act of suicide. The dying boy repented, and was absolved. The Church did not object to his conscientious objection. Such news items as that 126 prominent Catholic priests and laymen published an advertisement

condemning the Vietnamese war, or that a group of Roman Catholic college students picketed Cardinal Spellman's chancery to protest what they called the muzzling of three priests who had been active in the anti-war movement, would have been incredible as recently as two years ago. There has indeed been "an exhilarating change in atmosphere" in the Catholic Church, as the Jesuit Father Daniel Berrigan recently said in an interview, announcing the resumption of his own activity in favor of peace. There are approximately 60 million Catholics in the United States. If they unite to enact the Church's new teaching on war and peace, the Administration's Vietnamese policy is in for trouble.

In a pastoral exhortation of November 7, the Pope appealed to the Catholic laity to lay aside old habits of thought and accept the revolutionary changes the Council brought about. Earlier, when he returned to Rome from his historic peace pilgrimage to the United Nations, he said (October 5): "You know that the pronouncing of a word binds to grave obligations him who offers it: the obligation of coherence, the duty of solidarity, the duty of example. . . . A grave consequence therefore flows from the fact of our having proclaimed peace. The Catholic Church has assumed a greater obligation to serve the cause of peace by the fact that through our voice she has solemnly pleaded the cause. . . ."

OPEN COURT & FAIR PRESS

RAYMOND SPANGLER

Publisher of the Redwood City (Calif.) Tribune, Raymond Spangler was recently elected national president of Sigma Delta Chi, the largest professional journalism society in the United States. He delivered this year the annual Carlos McClatchy Lecture at Stanford University.

When a crime is committed by someone else, the average citizen wants to know all about it; he calls that Free Press. But when he is himself involved in a crime, the average citizen wants it kept out of the papers; he calls that Fair Trial. Question: can we in this country honor the principles of both Free Press and Fair Trial?

The Bill of Rights provides (Article I): "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press. . . ."

And the Bill of Rights provides (Article VI): "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

At first blush there seems to be no conflict between these two; but there is (note that word "impartial") and the discussions between the press and the bar have been going on for decades. We, the press, are accused of poisoning the font of justice before it begins to flow by publishing prejudicial material.

Recently, the argument has been heating up. A series of exceptional judicial actions barring pre-trial and trial coverage erupted in several Western states in November and December, prompting the Freedom of Information Center at the University of Missouri to issue a special situation paper on the chronology of curbs (suggested and enforced) on the release of information about, and the reporting of, criminal proceedings, 1963 through 1965.

One of the most interesting of these cases occurred in

Tucson, Ariz. Gretchen and Wendy Fritz, teen-aged daughters of Dr. and Mrs. William Fritz of Tucson, disappeared last August 16. Their bodies were found in the desert north of the city on November 10. Alleen Rowe, 15, disappeared May 31. Her body has not been found. Charles Howard Schmid, Jr., 23, of Tucson, is charged with the murder of all three in two separate actions. Two other defendants were charged in the Rowe case. They have pleaded guilty, have been sentenced and have offered to testify against Schmid.

The attorney for Schmid requested the court to restrain the district attorney, the sheriff and the chief of police from making any comment, written, oral or visual, about the case to the press. The judge issued the order but crossed out the words "to the press." He thus muzzled the officers completely except in preparation of the case to court trial, or further investigation related to law enforcement. The order was issued November 23. The press and the public were barred from the preliminary hearing.

George Rosenberg, managing editor of the Tucson *Daily Citizen*, went down fighting. He called upon the spokesmen for the press throughout the country to issue statements. They complied. Most of them denounced the judge. However, the issue was at a stalemate until a college editor named Sotomayor at the University of Arizona printed a fiery editorial demanding to know where are the fighting editors of Arizona today. Sigma Delta Chi, the professional journalism society of which I am president, then got into the act through its Southern Arizona Professional Chapter at Tucson. It voted to fight the judge's order all the way to the Supreme Court.

The danger of the Tucson order—unlimited in either time or scope—is that it establishes a precedent. By way of illustration, I cite a recent Associated Press story from Bastrop, Tex.: "District Judge Leslie D. Williams warned officers of his court from the sheriff up or down against saying anything about any case, any crime, anything until it comes into this court. The judge told news reporters they could use what they heard coming from the witness stand in open court, but that was all."

That is the judge's interpretation of a Texas law which

went into effect on January 1. It says in part: "It is the duty of the trial court, the attorney representing the state, the attorney representing the accused and all officers of the law to so conduct themselves as to insure the defendant of a fair trial upon the presumption of innocence and at the same time afford the public the benefit of a free press." That masterful restatement of the problem entirely ignores the dilemma, but the Texas judge evidently believes that a free press has the right to print news, but no right to gather it.

In our era, the rise of broadcasting as a news medium has intensified the conflict between free press and fair trial. The California Judicial Council, which exercises certain delegated authority in the administration of state courts, met in San Francisco on November 16 and voted to prohibit newspaper photography, recording for broadcast, and broadcasting within a courtroom while the court is in session or during any mid-morning or mid-afternoon recess, except for ceremonials. The vote was 17 to 1.

The single "no" vote was cast by Assemblyman George Willson of Huntington Park. He is chairman of the Assembly Judiciary Committee, which is conducting state-wide hearings on the very issue of fair trial and free press. Before the committee could complete its hearings, the Judicial Council acted with the force of law.

In practice, the Judicial Council rule has caused no great change in the reporting of criminal trials in California. That is because of Canon 35 of the American Bar Association, adopted in 1937 and amended in 1952. It is advisory only, but it is part of the code of ethics and has prevented almost entirely photography, broadcasting and telecasting in the courtrooms.

Canon 35 was instituted after one of journalism's most notorious debauches—the coverage of the trial of Bruno Hauptmann for the kidnap-murder of the Lindbergh baby. Photographers climbed on counsels' tables and shoved their flash bulbs in the faces of witnesses. The judge lost control of his courtroom and the press photographers lost control of their senses.

For thirty years the press has been fighting Canon 35. On rare occasions it has succeeded in taking pictures of criminal trials, with permission of the judge, and without any evident disruption of the trial or contamination of justice.

But meanwhile another famous trial has intervened, this one involving a fellow journalist, Billie Sol Estes, and illuminating both sides of the free-press, fair-trial issue with peculiar clarity. In 1962 Mr. Estes was president of the Pecos Printing Company, publishers of the Pecos (Tex.) *News*. The rival newspaper was the Pecos *Independent*, whose editor was Oscar Griffin. In 1963 Sigma Delta Chi presented Mr. Griffin with a citation "for his initiative, persistence and courage in first disclosing and then diligently reporting the illegal activities which have since become known as the Billie Sol Estes case; for conducting and reporting his investigations with thoroughness, clarity and a high sense of civic and journalistic responsibility, and for demonstrating memorably the benefits of a free and independent press."

In 1963 Billie Sol Estes was sentenced to fifteen years in prison for mail fraud and conspiracy in manipulating

worthless fertilizer tank mortgages worth \$24 million. U. S. District Judge R. E. Thomason described the one-time millionaire financier as the most gigantic swindler in history. In 1952, a state trial jury had convicted the promoter on a charge of swindling and set his sentence at eight years in the state penitentiary. The federal and state terms were to run concurrently.

The state conviction, however, was appealed to the United States Supreme Court. The entire issue was the televising and broadcasting of a two-day pre-trial session of the trial court in Tyler, Tex. A decision handed down June 7, 1965, reversed the state conviction by a vote of 5 to 4. Mr. Justice Stewart, Mr. Justice Black, Mr. Justice Brennan and Mr. Justice White dissented. Mr. Justice Clark delivered the opinion of the Court. The Chief Justice gave some views of his own, and Mr. Justice Harlan cast the deciding vote in an opinion which concurred in a limited area.

It is not likely that any one of the Justices has had experience with a televised or broadcast trial. Lacking that



Eric Lundgren

experience, the majority Supreme Court opinion reflected a great deal of speculation. The following quotations indicate the Court's confessed lack of knowledge on the critical point involved: the influence of television and newspaper cameras and radio microphones on the jury, the witnesses and the court.

Said the Court: "Still *one cannot put his finger* on its specific mischief and prove with particularity wherein he was prejudiced. . . . The conscious or unconscious effect that this may have on the juror's judgment *cannot be evaluated*. . . . The impact upon a witness of the knowledge that he is being viewed by a vast audience *is simply incalculable*. . . . And even in the absence of sound, the influences of such viewing upon the attitude of the witness toward testifying, his frame of mind upon taking the stand, or his apprehension of withering cross examination *defy objective assessment*." (Emphasis supplied.)

Mr. Chief Justice Warren detected the speculative weakness in the majority opinion and submitted his own opinion (in which Mr. Justice Douglas and Mr. Justice Goldberg joined): "I wish to emphasize that our condemnation of televised criminal trial is not based on generalities or ab-

stract fears. . . ." Then, in what may be the Freudian judicial slip of the century, in a decision denying pictorial description of a criminal trial, he appended seven photographs taken in the criminal courtroom of Texas where Billie Sol Estes was convicted.

A great dissent was written by Mr. Justice Stewart:

What ultimately emerges from this record, therefore, is one bald question—whether the Fourteenth Amendment of the United States Constitution prohibits all television cameras from a state court room whenever a criminal trial is in progress. In the light of this record and what we now know about the impact of television on a criminal trial, I can find no such prohibition in the Fourteenth Amendment or in any other provision of the Constitution. . . .

While no First Amendment claim is made in this case, there are intimations in the opinions filed by my Brethren in the majority which strike me as disturbingly alien to the First and Fourteenth Amendments' guarantees against federal or state interference with the free communication of information and ideas. The suggestion that there are limits upon the public's right to know what goes on in the courts causes me deep concern. The idea of imposing upon any medium of communications the burden of justifying its presence is contrary to where I had always thought the presumption must lie in the area of First Amendment freedoms—and the proposition that nonparticipants in a trial might get the wrong impression from unfettered reporting and commentary contains an invitation to censorship which I cannot accept.

No doubt the California Judicial Council was influenced by this decision. There is nothing specific in its report to indicate why it felt the need to strengthen Canon 35 with Council Rule 980, but it was done and the canon now has the force of law.

Assemblyman Willson's committee continues its work. On January 31, I appeared before it in the San Diego City Council Hearing Chambers. This room, on the twelfth floor of the City Hall, has special balcony accommodations for still and television cameras. Although Willson announced at the start of the hearing that the proceedings were being televised and taped for radio, none of the witnesses was aware of any special equipment except a peculiarly shaped microphone at the press table which picked up the sounds of the proceedings. The broadcasting, picture taking and sound recording were entirely unobtrusive.

Even more important was the testimony of Roberta Butzbach, judge of the municipal court in Bellflower, Calif., who, prior to the effective date of Rule 980, had had an ordinary criminal trial televised in her court. She testified:

The universal comment was that once the trial began, the presence of the news media was forgotten. All the dire predictions and suppositions as to the manner in which people would behave in such a situation simply did not happen. There were no attempts to play Hamlet or to outdo Bob Hope.

If there was any effect at all, and I'm not certain there was, it was in the direction of a slightly greater restraint and dignity. If this was the effect, it was not only contrary to prediction, it was salutary.

And she added this philosophical note:

None now says: "Let us conduct trials in secret." They merely say: "Let us protect accused persons from excessive publicity."

None now says: "Let us remove society from participation in the judicial process." They merely say: "We doubt the ability of society to understand the judicial process."

Without publicity there can be no understanding. Without understanding there can be no intelligent participation. Ultimately there can be no informed electorate.

An attempt will be made to repeal or suspend Judicial Council Rule 980, but not in any hope that television of criminal trials will spring full-grown from the present void. We shall still have Canon 35.

Many members of the bar openly advocate the system in England, where newspapers have been held in contempt for discussing evidence which was later ruled inadmissible; for publishing the results of their own detective work; for revealing facts not brought out in open court, or for carrying pictures of the accused. Only by limiting his account to a fair and accurate report of trial proceedings as they progress can a newspaper man in England feel safe from judicial retaliation. The law is almost entirely judge-made and judge-controlled, and I believe that is what is now evolving in the United States—despite the First Amendment. The English newspapers sat on the Christine Keeler-John Profumo case for six months; in this country, at least until recently, that conspiracy of silence would have made the press partners in the crime.

Of the more recent developments in the free-press and fair-trial controversy, perhaps the most serious is the United States Supreme Court's decision to review the murder trial in which Dr. Sam Sheppard of Cleveland was found guilty in 1954. Five volumes of newspaper clippings will be submitted to determine whether pre-trial publicity was so prejudicial that no impartial jury could have been empaneled.

The clippings have already won a reversal and freedom for Dr. Sam, but the reversal was itself reversed by the U. S. Court of Appeals in Ohio when it said: "Our jury system cannot survive if it is now proper to presume that jurors selected with the care taken in this case, are without intelligence, courage and integrity necessary to their obedience to the law's command that they ignore the kind of publicity here involved."

Four Supreme Court Judges believe that a constitutional question is involved, and this may intensify the press-bar conflict—particularly if it disturbs the *status quo* on contempt. The landmark cases protecting both individual and press from punishment for contempt have thus far concerned prejudicial publication as it concerned judges only. The Pennekamp, Bridges, Los Angeles *Times-Mirror* cases and others brought the "clear and present danger" concept into play: a constructive contempt—that is, one away from the immediate presence of the court—would not be punished unless it could be shown that a clear and present danger existed to the administration of justice. The theory is that judges would not be so endangered because, forsooth, they are judges. Yet judges have been throwing newspaper men in jail for generations.

Ralph Conley is a 53-year-old reporter for the Wheeling (W. Va.) *Intelligencer*. He is a ten-year veteran with that paper, and a twenty-five-year senior in newspaper work. He was assigned to cover the New Martinsville area. On Saturday, January 15, of this year, he wrote a story listing five civil actions which had been set for trial on Tuesday, Jan-

uary 18, in the Wetzel County Circuit Court by Judge Lloyd Arnold. After listing them he wrote:

Probably the most interesting case is that of *Mrs. Frances Ripley vs. the City of Paden City*.

Mrs. Ripley, a resident of Paden City, and wife of Leo Ripley, fell into an open sidewalk grating on January 22, 1965, and seeks recovery of damages for \$24,000.

In her petition, she claims permanent injury and that the fall resulted in a compound fracture of her left leg, and other injuries.

The city carries a \$100,000 liability insurance policy and the city council acknowledged fault and recommended in a letter to the insurance carrier that the claim be paid. However, no payment has been received and the suit followed.

Attorney Jack Hawkins represents the plaintiff, and Hassig and Snyder are attorneys for the defendant.

On Monday, January 17, Judge Arnold prepared a rule of contempt directly to Conley. A courtroom hearing before Judge Arnold was scheduled at 2 P.M. the same day.

Judge Arnold concluded the hearing by finding that publication of the news story obstructed and impeded the operation of his court and that accordingly Conley was in contempt. (The city council action was a matter of record.) The judge sentenced him to five days in jail, fined him \$10, and ordered the sheriff to place him in jail immediately.

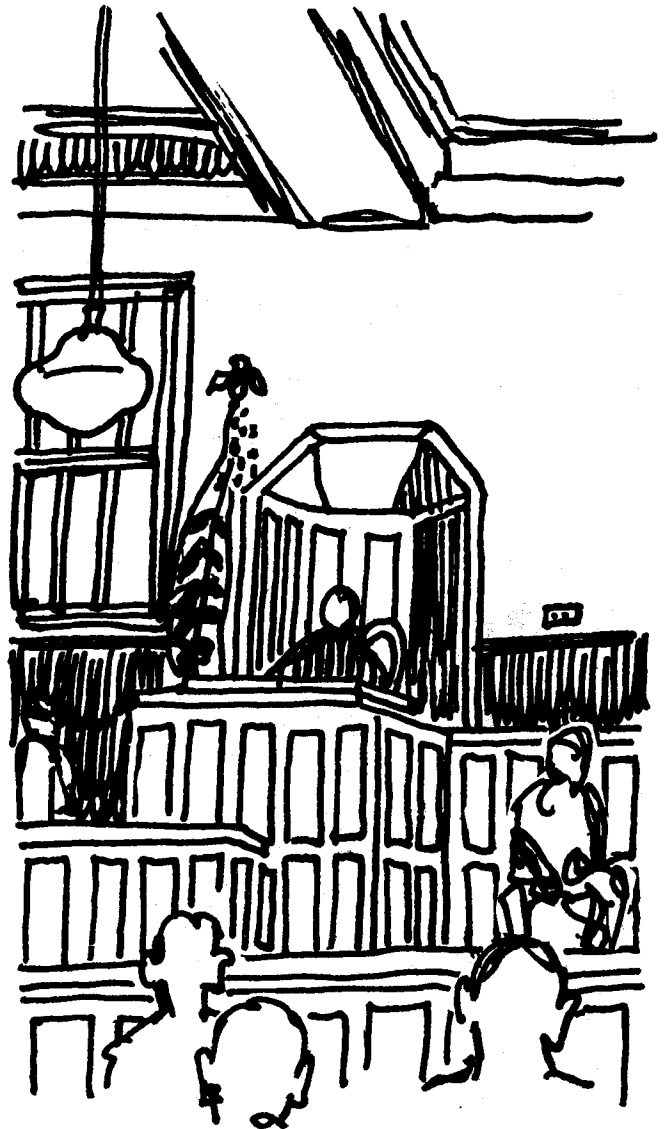
Attorneys for Conley appeared before Judge Arnold the next morning and orally moved that the judgment of contempt be set aside, that a new hearing be awarded, and that Conley be discharged from jail. Arguments on these motions were heard at 1 P.M., Tuesday. The attorneys submitted four grounds for the motion, including the First Amendment, but the judge overruled the motion. Thereon the attorneys for Conley moved for a stay of the proceedings in order that they might appeal the judge's decision to the Supreme Court of Appeals. Judge Arnold granted a sixty-day stay, setting bond in the amount of \$50. Conley was subsequently released after twenty-four hours in jail, and went back to work. The case is pending.

Then there was the 1964 case of Will Harrison, a 50-year-old columnist for *The New Mexican*, 14,000 circulation, published at Santa Fe. He made an adverse comparison of two drunk-driving cases before a Santa Fe judge.

In one case, a Mexican-American boy, befuddled by wine, killed three persons. He was sentenced to the penitentiary for one to five years. In the other case, a former assistant district attorney wiped out a family of five while driving under the influence, but was given a \$500 fine; the fine was suspended and the judge announced that at the end of the year he would pronounce further sentence. Will Harrison cried "outrage" and was convicted for contempt of court on the ground that since the lawyer defendant was still on probation, the case was still before the court.

Harrison, who died a couple of months ago, was in my opinion an unsung hero. He had been vindicated by the State Supreme Court, October 4, 1965, on the ground that no clear and present danger to the administration of justice had been shown.

As an example of constructive contempt, however, consider this: In December, 1965, in Montgomery, Ala., three Ku Klux Klansmen were convicted of criminal conspiracy charges in the death of the civil rights worker, Viola Liuzzo.



The judge held the jury in deliberation for eleven hours over the protest of the defense attorney, and the defense attorney announced that an appeal would be filed and bond for the three men was set at \$10,000 cash.

Whereupon the President of the United States said: "The whole nation can take heart from the fact that there are those in the South who believe in justice in racial matters and were determined not to stand for acts of violence. . . ."

Many of us joined him in cheering that verdict in a great national example of constructive contempt of court for commenting on a case still in the process of adjudication.

Where was the voice of the bar when that transpired? And where was the self-restraint of the press? Both were lacking, and both must be supplied before we know whether we should be talking about Fair Trial and Free Press or Fair Trial *versus* Free Press.

Today it is necessary to recognize that the hunt for the uninformed juror is fruitless, and that our reliance on the integrity of our peers is not misplaced. Just as the Scopes trial challenged the theory of evolution in Tennessee, so have the Judicial Council and the Supreme Court challenged the evolution of communications between the courts and the public. That is the nub of the problem, and it will not be solved by speculation; rather by careful research.

Razz-ma-Tazz in the Drug Industry

ROBERT G. SHERRILL

Washington, D. C.

A suspicious person might wonder at the timing of the recent conference sponsored by the New York Academy of Sciences concerning the widely publicized "wonder drug," DMSO. Why were scientists from several nations brought together to read seventy-nine papers blowing new life into the marvelous reputation of DMSO less than two weeks after Rep. L. H. Fountain's inter-governmental relations subcommittee of the Government Operations Committee had raised doubts about the efficacy of the drug, and after the subcommittee had brought out testimony showing that many researchers had tested the drug in a willfully illegal and dangerous fashion?

If this was another effort to excite public opinion in such a way as to override a decision by the U.S. Food and Drug Administration, it would be in line with what has been done before.

The DMSO case is a classic illustration of how the powerful drug industry can undermine the efficiency of the Food and Drug Administration with publicity. In a laboratory accident at the University of Oregon about three years ago, Dr. Stanley W. Jacob discovered that DMSO—or dimethyl sulfoxide, made from cooking wood chips—has a marvelous ability to penetrate the skin. It is a common chemical substance and has been on the market for years—as a paint thinner. With Crown Zellerbach, the paper company, backing Jacob, an application for distribution of DMSO as an Investigational New Drug was placed with the FDA on October 25, 1963.

The FDA advised Crown Zellerbach that there was no evidence that clinical testing would be safe. In other words, the FDA did not think that testing on animals had gone far enough to permit even experimental use of the drug on human beings.

At this point, what the promoters needed was publicity. They got it. *Newsweek* was soon quoting one researcher to the effect that DMSO was "the most exciting thing I know of in medicine. It's unbelievable." It was reportedly good, said *Newsweek*, for the common cold, swellings, pain, and even as a method of "injecting" insulin. Just rub it on! Why, "it could make the hypodermic needle obsolete."

This brought enough public pressure to soften up FDA a little. At a meeting in Washington on March 23, 1964, Dr. Joseph Sadusk, chief medical officer for the FDA, listened to the wheedling of Crown Zellerbach representatives and agreed to allow very limited experiments by application to the skin of a few dozen volunteers. *Nothing more.* Meanwhile, animal experiments were to continue.

This slow approach to what promised to be a very lucrative market did not at all please the promoters of DMSO, and when the private blandishments of half a dozen major drug houses—including Wyeth, Squibb, and Merck Sharp & Dohme—could not prevail over the FDA's order, they assisted in releasing a tidal wave of publicity.

Life, bringing its medical wisdom to the public on July 10, 1964, admitted that it was "hard to talk about" this

"fantastic" drug "without sounding like a carnival salesman." Nevertheless, *Life* was willing to take that risk by touting DMSO as a cure-all for "arthritis, sinusitis, headaches, earaches, sprains, burns." Yes sirree, folks, and it "reduces swelling, kills pain, fights germs, tranquilizes, enhances other drugs." Reining back modestly, *Life* conceded that the drug had not yet been proved safe, but it predicted DMSO would be in the drugstores within a year.

The Saturday Evening Post was soon reciting even more wonderful results. First, of course, there was the usual disclaimer: "The strange powers of this newly explored drug make it sound like Indian snake oil. Yet it may create a breakthrough in medicine comparable to the discoveries of insulin and penicillin. . . . Nearly 2,000 research centers over the world have asked for it." No wonder. Dr. Jacob was quoted as saying that "if it continues to show no serious toxicity . . . it will be useful to every known malady." Even lame race horses in Florida, after a good rubdown with DMSO, were up and running again, said *The Saturday Evening Post*.

At that point, any control the FDA might have had over the experimental program became impossible. All across the country, the millions of *Life* and *Post* and *Newsweek* readers with aches and pains trooped to their family doctors and demanded to be swabbed down with DMSO. For that matter, the doctors themselves were excited by the stories. So, goaded by their patients and by their own curiosity, they went to work with a passion.

The FDA had forbidden any application except on the skin, but that was promptly forgotten. Doctors began squirting it into eyes, applying it to mucous membranes, injecting it, even irrigating bladders with it.

Looking back to that time in early 1964 when everything went out of control, Dr. Sadusk recalled unhappily in testimony before Representative Fountain's subcommittee recently:

There was no adequate scientific data to justify these glowing accounts. But the publicity excited interest in the medical profession, as well as with the laity. Dimethyl sulfoxide was readily available in many communities, in commercial grades as an industrial solvent. So anyone who wanted to try the substance had a source of supply. These factors greatly complicated the problem of confining the use of the substance for drug purposes to the realm of the qualified and careful clinical investigator.

Which is putting it very conservatively. Consider:

¶ The FDA authorized only the *most limited* investigational use of the drug—in what it calls Phase I and Phase II, usually involving no more than a couple of hundred patients, with the testing done by experts under controlled hospital conditions. Before the FDA knew what was happening, the drug's promoters had pushed it into the buckshot investigational stage, Phase III, with more than 1,000 doctors giving it to perhaps 50,000 patients under the most slapdash of informal conditions. Most of these doctors knew little more about the drug than they had read in *Life*

and the *Post*. They were just general practitioners tinkering with their patients' ills.

¶ In its razz-ma-tazz announcement of the wonder drug, *Life* had consoled the fearful by reminding them that "all human tests are under the eye of Dr. Frances O. Kelsey's branch." Dr. Kelsey is the FDA heroine who had blocked the marketing of thalidomide in this country. Dr. Kelsey's branch was *supposed* to be supervising what was going on; but policing by the Kelsey branch was, in fact, slipshod all the way. Some experiments had shown that DMSO is capable of causing deformities in chicks and of reducing the size of rat litters, but not until June, 1965, were the sponsors supposedly told to exclude women of childbearing age from their experiments. And Dr. Kelsey stated at the Fountain hearings that she was not certain all experimenters received the warning.

As early as December, 1964, the Food and Drug people were aware that experiments with the drug had gone beyond the authorized stage, but they did nothing about it. The number of violations noted by the FDA in March, 1965, rose sharply, but still nothing was done. At that time—still seven months before the FDA banned further use of the experimental drug—the agency was receiving a steady flow of information. Dr. Sadusk now admits "that the drug was being studied and used under conditions not covered by the IND (Investigational New Drug) application and not justified as safe by adequate animal investigations."

Not until September 23, 1965, did the FDA begin to shut down the wild investigations and not until November 10, 1965, was the shutdown complete.

Dr. James L. Goddard, who became head of the FDA after the DMSO kite went up, had this to say to Representative Fountain:

I think if you set about to create all the poorly controlled situations that one could conceive of, DMSO would be the epitome of it. The unfortunate heralding and multiplicity of stories of this miracle drug in the press created pressures that some physicians found difficult to resist. It was being sold around race track and industrial and commercial trade, and in supermarkets. Everything that could go wrong went wrong in this situation. It was unfortunate.

The sluggish, insensitive fashion in which the FDA responded characterized most of its actions at that time, yet it would unquestionably have clamped down on DMSO experimenting earlier if it had been given data which some of the companies had been withholding for a year.

Rabbits and dogs treated with DMSO in Wyeth Laboratories were discovered to have suffered eye damage in September, 1964. Not until thirteen months later—in fact, not until the very day that the FDA called a conference including Wyeth representatives in Washington to tell them that DMSO experiments must stop—did Wyeth inform the FDA of these ominous findings. Merck Sharp & Dohme had heard in September, 1965, of studies at the Huntingdon Laboratory in England that revealed eye damage to rabbits and pigs. Merck "forgot" to pass this information along to the FDA until November 8, when Dr. Kelsey telephoned the company about its own investigations.

Since closing down all experiments with the wonder drug, the embarrassed FDA staff has been raking in other disquieting reports. "Systematic allergic reactions to DMSO

have been reported," says Dr. Sadusk, "some of a severe nature with *at least one death* which occurred in Ireland. These systematic allergic reactions consisted of generalized urticaria, respiratory distress, angioneurotic edema and anaphylaxis." To say nothing of human eye problems resulting from its use—"blurring of vision," "like wearing dark glasses," "pain in one eye," "double vision," "impaired vision of a rather vague type" and "decreasing vision."

A more minor but still, considering frequency, an impressive side effect was skin trouble that resulted from DMSO use. One study of more than 900 patients showed that in 7 per cent of the cases skin problems were so severe



as to require discontinuing the drug. To put this 7 per cent in perspective, it should be understood that the FDA says in its pamphlet "Facts for Consumers" that even *one* serious adverse reaction per 100,000 patients "would be a matter of serious concern."

Sadusk now says that his office has received forty-six reports of adverse reactions in the central nervous system. For the most part these have been minor—headaches, dizziness, vertigo and drowsiness—but in one instance "severe mental confusion" was reported.

Thirty-one other deaths have been listed as occurring during or after DMSO therapy, says Sadusk, who hastens to add that no causal relationship has been established. However, an asthma patient being treated with DMSO died and Sadusk concedes: "It's possible that this death occurred from the use of this drug." This death is in addition to the one in Ireland.

Dr. Sadusk, who resigned last month from the agency, had no reputation for unusual severity toward the drug manufacturers, and his firm refusal in this case to side with the industry would seem to indicate that FDA is scared and that the users of DMSO ought to be.

There was nothing equivocal in Dr. Sadusk's testimony

before the Fountain committee on March 9: "Despite enthusiastic reports concerning alleged benefits derived from DMSO treatment, published in some medical journals as well as the lay press, it is the view of the medical staff of FDA that at the present time there is a lack of substantial evidence of the effectiveness of DMSO."

This was said after three years of clinical and bootleg experiments. And to make sure that the committee understood his position, he added: "While many physicians believe that DMSO is a relatively safe drug, it is my opinion that a critical review reveals that there is no substantive pharmacological data to support this belief."

Yet within ten days, the New York Academy of Sciences opened its conference and set the hounds of publicity baying again.

Revealing at this conference some of the experimenting that had been going on without FDA knowledge, and apparently without what the FDA would consider adequate preliminary testing on animals, the bubbling scientists added new cures to the wonder drug's list of victories. One said DMSO had come to the rescue in certain types of heart ailments. Another said it had helped persons with schizophrenia.

Even the sedate *New York Times* began to respond to the Wonder Drug Syndrome. In a weekend roundup of what had been said and forecast at the conference, the *Times* sounded annoyed with the FDA: "Despite its seeming promise, the chemical was banned for use on humans last fall by the Food and Drug Administration because of evidence that some dogs and rabbits that had been given heavy doses developed serious eye abnormalities." The implication here is misleading, for, as Dr. Sadusk testified, the dogs suffering eye abnormalities at the Huntingdon Laboratory had been given "amounts of DMSO comparable to those employed in man." Nor did the *Times's* roundup mention the human eye troubles that had developed, or the severe skin reactions, or the known deaths. Instead, all was optimistic.

If the *Times* succumbs, others undoubtedly will too. This hubba-hubba publicity for a speculative drug will result in more public pressure from the ill and the aching.

Industry pressures, which are to be expected, were put on Dr. Kelsey day after day to let thalidomide go on the market. If she had given in, says Morton Mintz, in his excellent recital of FDA fumbles (*The Therapeutic Nightmare*, Houghton Mifflin), "if she had given in, say, in February 1961, an estimated 10,000 American babies might have been born armless and legless by the time the deforming effects had become known. . . ." She did not have to cope with the additional pressure of public desires, since thalidomide, after all, was just another sleeping pill. Could she have held out if she had been dealing with a "cure-all"?

Even if the FDA learns to hold its ground under the new wave of demands, the publicity will make the short-staffed agency's work more difficult. As Dr. Sadusk told Representative Fountain, the FDA will now have to do a great deal of field investigating to check on companies developing drugs "such as DMSO which bring forth glowing press reports and produce an emotional impact upon the public leading to widespread and promiscuous misuse."

LETTERS (continued from page 410)

large-volume mail-order houses remains the only, albeit inadequate, check on our domestic manufacturers. . . .

How the NRA keeps its house (poorly), its *modus operandi* (the end justifies the means), or the make-up of its directorate (a haven for retired generals): these are not the issue. That is firearms registration, which the NRA opposes, correctly. Legislation cannot eliminate human diversity or perversity without chipping away another piece of every individual's freedom.

As was observed by the late non-hunter, non-shooting poet, E. E. Cummings, "Bang! Is the meaning of a gun. It is a man means no."

A. Joseph Ray, Jr.

coup in Nigeria

Los Angeles, Calif.

DEAR SIR: V. L. Allen's article, "Nigeria: Coup on a Tightrope" [*The Nation*, Feb. 7], is in my view an ill-informed and oversimplified analysis. His . . . initial premise is that the democratic image of pre-coup Nigeria was just a "successful public relations hoax" perpetrated by uncritical and conniving foreigners in whose accounts "nothing was accepted which stained the model of political democracy." The only possible explanation for this kind of unqualified statement must be that Allen has limited himself to very narrow reading habits, for there is an abundance of published material on the problems of Nigeria's political system dating back to pre-independence days, including materials published by the British Colonial Office itself. The fact that Nigeria was not a perfect democratic model was widely known and openly admitted by responsible Western observers. . . .

As to the substance of his interpretation of Nigerian politics, Allen continues in his conspiratorial manner, preferring to see what he wants to see and exaggerating often even the points which have validity. Historically, he depicts the Action Group, for example, as the virtuous but helpless political underdog, because it was the "only party capable of providing political opposition in Nigeria up until 1962." Mr. Allen should remind himself that the National Council of Nigerian Citizens based in the East provided the opposition in the Western Region legislature, just as the AG had in the Eastern Region legislature, and that there were a number of minor parties in Nigeria as well, whose role in the political process should not be glossed over so quickly. Moreover, the AG did not participate in the federal coalition formed after the 1959 elections largely because Awolowo himself declined the invitation to join in a national government, preferring to remain free to seek ultimate control of the government instead. . . .

His recommendation to solve Nigeria's ills is "to set up a universally accepted political leadership which can act from an ideological base." The sole source of this leadership, claims Allen, is from "among the imprisoned AG leaders." Such ignorance, I am compelled to say, is appalling. . . . The fundamental problem of Nigeria is precisely the fact that no one person or group is universally accepted, either in principle or in reality.

Rather than attribute Nigeria's troubles to conspiratorial power struggles, I prefer to think of them more in terms of systemic difficulties, arising from the problems of a new, large, plural and industrializing state. The conditions of such a nation inevitably lead to inequalities, frustrations and conflict. This is not to whitewash the evils which corrupted Nigeria, nor to rationalize their existence. Of course Nigeria's democracy was not functioning properly by any means; it was violated many times and in many respects. But that doesn't justify dismissing Nigeria's pre-coup constitutional system as a "hoax" or a "façade."

Pauline Halpern Baker, Lecturer
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BOOKS & THE ARTS

Muddling Through Chaos

ENGLISH HISTORY 1914-1945. (The Oxford History of England: Vol. XV.) By A. J. P. Taylor. Oxford University Press. 708 pp. \$9.75.

BRITISH POLITICS IN THE COLLECTIVIST AGE. By Samuel H. Beer. Alfred A. Knopf. 390 pp. \$8.50.

THEODORE ROSZAK

Mr. Roszak teaches British history at California State College at Hayward. He is a former editor of the British pacifist weekly, Peace News.

The Oxford History of England is a ponderously functional set of books, one of those collections of formidably authoritative surveys that really have much more than of a group of individually readable books. But, despite its dowdy title, A. J. P. Taylor's *English History 1914-1945* bears about the same relationship to most of its fourteen predecessor volumes that Dr. Johnson's dictionary bears to Merriam's *Webster*. Professor Taylor's work glitters with personality, controversy, contemporary relevance and genuine philosophical significance—and for that reason, quite as much as for its wit and literary grace, it deserves a general reading audience as well as scholarly attention.

I am not sure Professor Taylor would welcome the attribution of "philosophical significance" any more than would most professional historians. But the book stands as the latest contribution to the general conception of history and politics he has been developing steadily throughout his career. This Taylorian vision of history insists that the affairs of men are quite simply a chaos in the midst of which anything might happen and where almost nothing is foreseeable. Politics, which is the grim business of administering that chaos, is therefore the province of infinite contingency: no doctrine can ever grasp the complexity of human affairs, no grand design can ever expect fulfillment. The mature politician understands this and unassumingly accepts his role as being that of an hour-by-hour improviser. But most politicians fail to recognize their role. Therefore they are fools and, usually, failures who do more harm than good. This is a thesis that ought to be especially provocative to those members of our "New Left" who feel that the political scene lacks nothing so much as ideology and grandiose visions.

"Statesmen," Taylor has written in an earlier work, "are too absorbed by events to follow a preconceived plan. They take one step and the next follows from it. The systems are created by historians. . . ." Or, quite as often, the systems are created by the politicians themselves as boastful hindsight rationalizations of their makeshift efforts. Hence, Taylor concludes, "the greatest masters of statecraft are those who do not know what they are doing." In short, muddling through is the only politics that ever works—and even that doesn't always prove successful.

Taylor has not spared himself difficult cases in seeking to demonstrate his doctrine. He has, in *Bismarck, The Man and the Statesman* and in *The Origins of the Second World War*, applied his controversial thesis to both Bismarck and Hitler, figures who emerge as notoriously systematic political planners in most histories and certainly in their own writings. These earlier works are not equally convincing, for one feels that Taylor slights the uniquely demonic character of Nazism in the case of Hitler. But perhaps in both cases there is the sort of difficulty that arises in biology when one confuses an "instinct" with a "drive." An instinct is often a highly articulated pattern of activity, a behavioral blueprint like that governing the intricate way in which a mason wasp deals with a spider. A drive, on the other hand, is a generalized need, like human sexuality, which might be worked out in any number of unforeseen and perhaps imperfect ways. When one concludes that Hitler had no "plan" for world war and global domination, does one deny that the Third Reich, with all its mystic-emotional anthropology and barbaric dynamism, lacked a drive in that direction as well as a detailed design and timetable? Apparently, and very questionably, Taylor does, and so one finishes his study of Hitler with the unsatisfying conclusion that on September 1, 1939, Germany didn't really want war; it only wanted Danzig.

But what may not work well as an approach to the eccentric case of Hitlerian Germany works brilliantly as an approach to 20th-century Britain. As Taylor tells the story, it becomes clear that a society like contemporary Britain, suffering through the agonizing demands of two major wars, advanced imperial decay and rapid industrial change, is simply too big, too various, too complicated to be mastered

or managed by any party or any politician. And so he treats himself to a cynic's field day, castigating the pompous folly of those who presumed to "lead" the people by the lights of antiquated ideals and fabulous ideologies.

Taylor, himself a left winger, is even-handed in his stricture. Neither Left nor Right comes off well. Indeed, the British Left seems to suffer a bit more at his hands than the Right. Ramsay MacDonald comes close to emerging as Taylor's pet whipping boy, the "master of imprecision" who sought to cloak his political inadequacy in moral pretense and sticky rhetoric. But the Left as a whole takes its licks.

Taylor is at his best describing the hopeless confusion of British Governments during the early depression years, a crisis which was eventually resolved, he feels, in spite of and not because of the presumptuous incompetence of the "experts." He is willing to credit only Oswald Mosley (the eventual leader of the British Fascists—"a superlative talent which was later to be wasted") with some constructive grasp of the situation.

In foreign affairs Taylor has still fewer compliments to pay Labour. Its reliance on the undefined policy of collective security through the League of Nations was an empty gesture as long as the party was not resolutely prepared to help arm the League and to face the prospect of undertaking military sanctions to keep the peace. The wishful thinking with which Britain confronted the rise of Hitler was not, of course, confined to the Left. But even the Tories' disastrous policy of appeasement, Taylor observes, can be traced to the Left's long-standing condemnation of the injustice of Versailles: "the stock in trade of Labour foreign policy." Thus, we have one of those ironies Taylor is so keen at highlighting: "Conservatives [in the late thirties] took up Germany's moral claims just as Labour was backing away from them." The conscience-stricken policy Labour had so long plugged for, and which would have perhaps made some sense with respect to the Weimar Republic, was at last put into practice—but for the benefit of the Third Reich.

The military, as one might imagine, come in for a good deal of attention in the course of Taylor's general drubbing of the top people. The murderous follies of the First World War are brutally rehearsed,

including the high command's disreputable fiddling of the casualty statistics in its official history. Throughout the book, Taylor gives special and detailed attention to the development of the British obsession with aerial bombardment: "the most permanent, certainly the most disastrous legacy of the first World War." It is an ugly story in which one is treated to the spectacle of Jan Smuts, the would-be statesman-philosopher, as early as 1917 recommending the mass bombing of civilian populations. From Smuts's report, Taylor reminds us, "stem . . . all the great achievements of our contemporary civilization: the indiscriminate destruction of cities in the second World War; the nuclear bombs dropped on Hiroshima and Nagasaki; and the present preparations for destroying mankind."

Taylor's sense of humanity extends beyond his writing. In February, 1958, at what was to be the seminal public meeting from which the Campaign for Nuclear Disarmament grew, Professor Taylor was among those who shared the platform at Central Hall with Bertrand Russell. Taylor's address that evening almost perfectly captured the rebellious, morally outraged spirit of the "Aldermaston generation." Reminding his audience that the suffragettes had never allowed a politician to speak without harassing him with the cry, "Votes for women," Taylor recommended that the politicians of our day should, so long as they practiced the balance of terror, be greeted with the cry, "Murderers!"

There are only a few figures who come off well at Taylor's hands. He finds more than a few good words for Neville Chamberlain—mainly with respect to his gifts as a domestic administrator. The very vulnerable pacifist-Socialist George Lansbury emerges unscathed as "the most lovable figure in modern politics." Churchill, whom Taylor is willing to credit with being "the saviour of his country," actually comes in for extremely severe criticism throughout—especially for his eccentric war strategies. If Taylor admits to any heroes among prominent public figures they are Lloyd George and (surprisingly) Lord Beaverbrook. Surely Taylor is simply taking a swipe at his own profession (which he complains in his preface has "slighted" him—as indeed it has) when he credits Beaverbrook, a writer who never got beyond journalistic memoirs, with being a "historian."

Significantly, Taylor describes Lloyd George as "the master of improvisation" and Beaverbrook, Churchill's very effective minister of aircraft production, as "the improvising individualist." They function in the story as the unorthodox outsiders, the brash mavericks who take it on

themselves to shake up the stodgy ruling circles into which they have brazened their way. More important, they are, for Taylor, men of the people: Beaverbrook, the press lord of "impish spirit" who perfected the mass-circulation newspaper, the literature of the streets; Lloyd George, the Welsh nonconformist poor boy who became a great war leader by breaking all the rules, and survived on sheer popularity, "the first son of the people to reach supreme power."

It is at this point, where he becomes so concerned for popular appeal and popular taste, that Taylor's history begins to take on a new depth—and to raise important questions for the study of history. For it is ultimately because of its indifference or insensitivity toward "the people" that Taylor lambastes the British power elite. "While political leaders fumbled toward new outlooks, the English people were also changing, but in ways quite different from those toward which even the most enlightened politicians were moving. . . . Unconsciously, the people repudiated [the] aims [of their leaders] without admitting or understanding what they did."

Thus, politicians (mainly the Tories) still celebrated the empire. But "the people [in the thirties] lost interest in the empire and showed it in a practical way," namely by returning "home" from overseas in greater numbers than those who left. "Politicians strove to revive the depressed areas; the inhabitants left them." Governments struggled to improve export industries, but capital and labor rushed

toward new industries geared for domestic consumption. Taylor quotes Geoffrey Crowther to the effect that the people seemed to be more and more "planned against than planning."

This folk motif is new to Taylor's work—and so pronounced throughout that one is reminded in reading the book of nothing so much as of the famous second epilogue to Tolstoy's *War and Peace*. Along with Tolstoy, Taylor is reminding us that history is made, at last, by people, by *all* the people—and not by the self-styled "leaders." There are surely limits to how far one can press such a thesis. This is obvious enough in a day when a handful of anxious decision makers in a locked room are in the position to press buttons that can terminate human history. But there is, I think, no denying Taylor's Tolstoyan point: that the essential richness of history and the character of nations derive from the disorderly, collective activity of the anonymous millions.

But, for Taylor, it was not only the politicians who were out of touch with the popular pulse. So were the intellectuals and artists with their gloomy, alienated and incomprehensible visions. The high literature of the period between the wars gets scant coverage by Taylor, far less than the newspapers and cinema. "The cinema was the greatest educative force of the early twentieth century. Yet the highly educated people saw in it only vulgarity and the end of old England." The novels of the time "are irrelevant for

SHE DOESN'T WANT TO BRING THE TIDES IN ANY MORE

*Every time she tugs the sun across the sky
some old wound
comes apart at the seams.
But housekeeping by the clock means keeping
every star prompt. She puffs along,
blowing a strand of graying hair out of her eye.
But she gets each planet to its place
on time. She bruises a hip
moving all this furniture around.*

*She steers clouds, fans winds, and slices
or mends the moon, according to the day.
Worst of all is bringing in the tides.
One hand brings them in on one side,
the other pushes them away;*

*while her knee
keeps the tipped earth spinning on its axis
precariously.*

*No wonder she went away and sat down on a sand dune,
wishing she were grass.
If she sits still long enough,
rain will come to her.*

RUTH WHITMAN

the historian." Instead, Taylor gives his attention to Charlie Chaplin who (born an Englishman, remember) is "likely to be remembered when [England's] writers, statesmen, and scientists are forgotten, as timeless as Shakespeare and as great." Similarly, it is Tommy Handley, the World War II radio comic, who "deserved, though he did not receive, a place in Westminster Abbey."

But this approach can overreach itself. It is one thing to score off the politicians for their lack of connection with human realities. It is another thing to dismiss the poets and artists so lightly. It is true enough that the Eliots, the Huxleys, the Waughes, the Joyces, the Audens, were not writing for the people. But their dismal forebodings and aristocratic discontent anticipated Dachau and Hiroshima, the lonely crowds and the affluent wastelands that are the grim, ineradicable stuff of 20th-century life. Auden was of course right: "Poetry makes nothing happen." It counts for far less in the way of historical influence than the popular consciousness. But it can give a face and a voice to truth that the millions seek to elude as perversely as any politician—and as futilely.

In addition, I was disappointed that he makes no mention whatsoever of a mass movement as impressive as the Peace Pledge Union—the leading voice of British pacifism during the thirties. He does give space to a group like the Left Book Club, which he credits with a following of some 60,000. But the PPU signed up over 100,000 young idealists in its anti-conscription drive, plus perhaps one-third that many female supporters. Perhaps the movement ultimately had no greater political impact than the Left Book Club; but both were important signs of the times, and the PPU's charismatic organizer, Rev. Dick Sheppard, was surely among the most colorful personalities of the period. Similarly, while Taylor is himself admirably severe in criticizing the RAF's barbarous saturation bombings of World War II, he neglects to credit British pacifists like Vera Brittain with having braved popular and official scorn to force the issue on the public conscience. One wonders too why he chose to deal so skimpily (in less than one paragraph) with Churchill's disreputable treatment of Greece at the end of the war: one of the opening gambits of the cold war.

But such criticisms count for little beside Taylor's overall achievement. His chapters on the two World Wars (they make up nearly half the book) are, by themselves, models of the best sort of military history: a magisterial blending of battle operations, political strategy and administrative-financial analysis. Above all, he has succeeded in tracing the com-

plex and often ironic counterpoint of people and politicians. So he has given us a book that is meant to be *read*, not simply referred to. What higher praise can one offer: even his footnotes and bibliography are enjoyable.

For those who miss the "history of ideas" that Taylor so scrupulously avoids, Professor Beer's book will be a useful supplement. It is very largely worked up from the party manifestoes and campaign rhetoric of Labourites and Tories; hence it rather gives the impression of being the sort of unreal view of British politics an American observer might gain by subscribing to several very partisan British periodicals.

Perhaps this is a bit severe. Samuel Beer is certainly among the most distinguished American students of British affairs, and he handles British political controversy with great sophistication. Moreover he can, when he sees fit, deal with admirable knowledgeability in the hard economic realities of the welfare state and the tangled political in-fighting that has marked its evolution. He offers some excellent and authoritative chapters on the Attlee government's painful post-war struggle between "physical" and "financial" planning. Beer is at his best here, investigating one of those beautifully ironic dilemmas where Taylor would probably delight in depicting the Labour Party's fumbling efforts to readjust an ideological superstructure that no longer fits (if it ever did) social realities.

But Beer's emphasis is on party ideologies. For it is his contention that parties generate their own "political culture," a "dynamic of ideas" which can function as an "independent force" in a society. Politicians are not simply opportunist vote brokers; parties are not simply shapeless containers waiting to be filled by coalitions of interest groups. Tradition and ideology continue to divide the parties and leave Socialist democracy and Tory democracy "deeply opposed."

Beer makes as strong and ingenious a case for this thesis as I think anyone could. But I find his argument ultimately unconvincing. There are, of course, factions on the fringes of both British parties for whom ideas and ideals are of supreme significance—and they must be catered to from time to time. Moreover, British politicians, on the whole, talk a better ideological case for themselves than most American politicians—and so give the impression that "political culture" has more vitality for them than for their American counterparts. And yet the closer one looks, the narrower and less predictable seems the range within which party ideals have any effect on the decisions made by the leaderships of the parties. This is certainly so with

respect to foreign and military policy, where Harold Wilson's government (like Attlee's postwar government) remains quite as much of an American tag-along as ever the Tories were. And while Beer feels confident that the Labour leadership is more democratically responsible to its party conference than the Tories, the fact remains that in 1960, after a neutralist-unilateralist policy had been carried by conference, party leader Hugh Gaitskell simply refused to be bound by it. No one who has read the reports of the 1965 party conference, where those who raised questions regarding Labour's policies on colored immigration and Vietnam were crushed by the platform, could possibly believe the Labour leadership possesses any more decent respect for democratic practice than can be forced upon it.

Even in the area in which Beer's study focuses—domestic policy—it is difficult to see that the British parties are not playing tweedledum and tweedledee. This is certainly most outrageously so in the area of race relations, where the Labour government has mercilessly sacrificed its great Commonwealth ideal in order to compete with the Tories in pandering to popular bigotry. Beer gives us one detailed example of a problem he thinks the parties would have handled differently: the balance of payments crisis of the mid-fifties. After reviewing the Conservatives' deflationary approach, he concludes that Labour would have taken another course, if it had been in power. The Tories had made "a choice, a distinctively different one, from what Labour would have made." Unfortunately, Beer's book was completed before the Wilson government had gotten into full swing. Ever since the "run on the pound" of November, 1964 (when Harold Wilson turned to American bankers to be bailed out), there has scarcely been any discernible difference in the way Labour has handled this problem. Much to the chagrin of those Labourites who do take the party's traditional values seriously, Wilson and company have been doing a smashing good job of demonstrating their economic orthodoxy. As the highly touted (and highly disappointing) "National Plan" of September, 1965, puts it: "Care will be taken not to destroy the complex mechanisms on which the market economy is based." When is a Socialist party not a Socialist party? When it's a Socialist government.

In Britain today the government—whether Labour or Tory—is so much the prisoner of entrenched and institutionalized interest groups (the unions, the trade associations, the city, the farmers, the Old Age Pensions Associations, etc.), of a delicately counterpoised electorate, and of an embarrassing dependence on American

military and financial support that it is really impossible to see how party ideologies can do much more than sway policy the merest hairbreadth off dead center. Such is the bogged-down, uninspiring stodginess of British politics that, among other things, the Angry Young Men have been so angry about since the mid-fifties. Beer actually does an exceptionally fine job of depicting the restrictive mechanics of this "new group politics." So fine a job, in fact, that his own thesis grows progressively more subtle—until it seems almost inconsequential. He does, however, make the shrewd point that it is the parties themselves, with their massive intervention in the economy and their marvelous claims of total competence in social management, that have played a major part in creating the congested "group politics" they find themselves trapped in.

For all the tenuousness of its main thesis, Beer's book is brimming with keen insights and sharp analyses. There is also the entertainment of observing how ingeniously British politicians can trim and bend some fine old ideals to suit their own

confused, contemporary purposes. Those with some interest in English intellectual history will enjoy hearing Harold Macmillan solemnly celebrate the industrial cartels of the 1930s as a form of "that organic conception of society which was the distinct contribution of medieval thought," or "Rab" Butler invoking the Viscount Bolingbroke to sanctify the Conservative "Industrial Charter" of 1946. That's almost as much fun as watching an embarrassed Harold Wilson (who has apparently dropped the word "socialism" from his political vocabulary) grope his way through "the Red Flag" at the end of a Labour Party conference.

No doubt about it: the British can really lay on the tradition when they have to. Last year the Queen bestowed the MBE upon the Beatles: that was also a way of swaddling the unaccountably new in a cloud of familiar heritage. Professor Beer thinks the habit is a source of strength and has significant political relevance. I am inclined to regard it, rather, as quaintly colorful at best; and at worst, a form of cynical obfuscation and self-deception.

eye what is told. Each sentence too executes its tweak of the mind. A shock, slightly more emphatic than others to come, sets the story in motion. Miss Warner likes to make the start startling and seemingly disconnected, a shopping list, a notice posted in a French dining car. (Eventually, of course, these things will be unremittingly connected.) A short, level plain ensues, time to cross our legs and wind our watches. Then come the dips and turns of observation ("Dissatisfaction is a mildew, and creeps"), the near crises ("An instant later, deftly and deliberately, she knocked over her coffee-cup"), a dark tunnel with small shrieks, moments of birdlike suspension above beechwoods and bungalow roofs. The pace quickens, to outdistance ennui, and then we absorb the sharp, conclusive jolt, the laconic solution of a telegram: MOTHER DIED CLIMBING BOX HILL.

The stories are mostly about adults, often disagreeable adults like the exhausted Mother Drew, and yet their impact is light, their very skill is a simplification. The clipped witticisms, like hedgerows, exclude concern. The large, untidy bulk of adult emotions is pressed back by so much neatness. Perhaps the most eloquent story is "Total Loss," in which a vet does in an old cat. Human pains such as greed and rivalry and discontent diminish to triviality. In "One Jump Ahead," a woman anticipates old age: it would be, she says, "like sitting on a mountain and seeing, far, far below you, a minute bull chasing a minute man." But this has always been the effect of Miss Warner's characters: they have always been too distant, too weightless for us to care when one of them is gored. The incident amounts to no more than mishap, the anguish of discovering a

Tidying Up The Emotions

SWANS ON AN AUTUMN RIVER. By Sylvia Townsend Warner. The Viking Press. 222 pp. \$4.50.

MARY ELLMANN

Mrs. Ellmann is currently preparing a book about women novelists for Harcourt, Brace & World. Her articles on fiction have appeared in Commentary.

Ordinarily, our sensible parent, *The New Yorker*, doles out Sylvia Townsend Warner's stories one at a time. But her collected stories, like her favorite sweets, *marrons glacés*, make way for immoderate consumption and some indigestion.

The unfaltering texture and taste of the latest in *Swans on an Autumn River* are admirable, but disconcerting too. Small talents seem properly more restless in the United States than in England. Truman Capote feels new literary forms thrust upon him; both he and we envisage the writing career as an infinite beanstalk to climb, an ascent which Miss Warner would snub as otiose, also ungainly. She herself minds her neat, confined talent like a shop for gourmets; her products aim at the choice modesty of kumquats and button mushrooms. Her novel *Lolly Willowes* was published in 1926 and became the very first, and far from the worst, choice of the Book-of-the-Month Club. Its pert little sentences—

These fine natures, she knew, always found comfort in cutting bread-and-butter.

"Weather like this," she thought, "would never be allowed in London."

could slip into place beside almost any sentence in the new book:

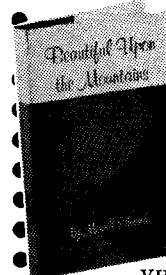
Belinda was one of those fortunate persons who fly into a rage as though into a refrigerator.

She had never seen a dead body before—except on food counters, of course.

Precisely the same amusements are assembled for us. A collection of such stories is like an annual surprise party: within the total predictability of the gathering, each story calls out, in its well-bred accent, "Surprise! Surprise!" And we experience, against our will, the same small ridiculous sensation of pleasure we felt the year before. In the past, Miss Warner's interest in the preternatural was more distinct, but it is sensed still in the titivations of her new stories. Across the placid surfaces of her characters run inexplicable tremors. Minute unseen forces play minute tricks, equivalents of curdling milk and dropping stitches and hiding best umbrellas. Each story is allotted its moment of witchery: a sudden, often mischievous, seldom malign, and never prolonged interruption of the habitual state.

And how it is told fits like hook and

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A young Virginia aristocrat
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THE MOUNTAINS**
by MURRELL EDMUNDS



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THOMAS YOSELOFF
New York London

blood spot on the hall carpet. Lemon juice will take it out.

A couple, having divorced "in amity," meet for lunch. Over his *escalope de veau*, he admits to general decay; over her chicken Maryland, she admits to leukemia. A 10-year-old boy with a head cold hates his father; he says: "I want you to burder Dad" and "Burder hib, burder hib!" Even incest in "A Love Match" is bite size: between the two wars, Mr. and Miss Tizard spray roses and eat potted shrimp and fornicate together. Shocking!

Victims and Witnesses

HEROES' TWILIGHT: A Study of the Literature of the Great War. By Bernard Bergonzi. Coward-McCann. 235 pp. \$5.

FLORENCE HOWE

Miss Howe teaches English at Goucher College.

No subject is more relevant to "our prematurely afflicted century" than war. And yet, Bernard Bergonzi's book about the literature of the First World War seems strangely irrelevant. His problem is one that all of us who would write about literature—instead of writing it—share. Our obsession with literary categories or with literary hierarchy leads us into technological quarrels, inessential displays of literary erudition or fastidiousness. Compulsively, we pigeonhole works into genre; or we label this poet or that novel as the best of some group. We become abstract, disconnecting literature from its supreme union with life. We play a parlor game; we are left holding our category, with only the poet's name echoing in our ears.

Not that Bergonzi is wholly unaware of the problem. As he says in his preface, "I have been concerned, principally, with literary analysis and assessment; but I have also been very much aware that these writers were all, in different ways, victims and witnesses of a unique crisis of British civilization." He modestly admits to making a "small contribution to a large subject." But it is too easy to apologize in this manner. For the author makes his choice: he writes a literary book about the literature of war, and only by the by does he probe the minds and hearts of "the victims and witnesses" of the "unique crisis." He involves himself only in literary criteria; he tries to survey the poetry, fiction and autobiography of "a number of British writers, most of whom fought in the Great War, and some of whom did not survive it."

But nothing, we feel, that a little walk and a little talk with a rural dean wouldn't put right. Pity the old dears have to die for it, and Miss Warner does come down on them, on the last page wrapping their tea-logged corpses in separate tarpaulins with a quite Sophoclean severity.

But this is rare. For the most part, all members, actors and audience alike, feel no more than a purposeful pinch. They glance around, see no one to blame, and go straight back to stamping their letters and dusting their stuffed owls.

His book emerges as literary survey, with all the strengths and weaknesses thereof. So much of the literature Bergonzi must include is not even second rate, and yet his avowed purpose is to judge its merits as art. He spends pages on obviously bad poetry, on popular fiction, on many minor writers, and then when he gets to Robert Graves, for example, brevity forces superficiality. On the other hand, the book is an orderly arrangement that will prove useful for future students of the period. The bibliography is helpful in its inclusiveness. Because of the author's preoccupation with rating, and because he consistently enlists the support of other authorities, the astute student will also learn something about the reputation of individual authors and works.

But the student will learn little beyond easy generalizations about the subject that engaged all of the writers discussed: man at war. Bergonzi patiently discriminates between fictionalized autobiography, fiction and autobiography. He discusses at length the question of whether Ford's *Parade's End* is a three- or a four-volume masterpiece. He is engaged in other finicky distinctions that in particular cases, and especially in the brevity of a survey, prove impossibly elusive as well as irrelevant. But in his opening chapter, he sets up a philosophical frame in literary terms that precludes any complexity whatever. As he puts it simplistically and categorically, only two attitudes toward war are possible: Hotspur's heroism and Falstaff's cowardice (later transformed into something more palatable, usually called "anti-heroic"). Hotspur's "single-minded pursuit of honour" spells for Bergonzi war's "glory"; Falstaff's placing life before honor spells war's "sickness." You either glow with the virtue and bravery of fighting or you gasp at "the physical horror of death." Bergonzi labels each view "an unacceptable extreme, though stemming from a genuine

value. . . ." The words "unacceptable extreme" and the effort to avoid judgment set the book's tone. We are to be guided through an abyss of pain and death by a judicious literary palate. Not too much of this or that is the requirement.

But instead of literary analysis in depth, we are treated to labels and categories. Crucially misleading is the artificial distinction between art and propaganda. Bergonzi uses the word "protest" pejoratively. If it's *art*, it must be something higher, better, finer than protest. In discussing Richard Aldington's *Death of a Hero*, he says: "The danger with didactic fiction is that one's attention is inevitably deflected from its quality as literary art to the nature of its argument." The artificial separation—the either/or idea—is fundamentally false to literature. For the significant literary question asks *how* "the nature of the argument" informs the "quality as literary art." False categories—art vs. protest—blind the critic to his job: seeing how the work's idea images its existence, how emotion breathes life into language.

Instead of trying to discuss the satirical attitude in some of Sassoon's poems in terms, for example, of rhetorical and prosodic success or failure, Bergonzi can suggest only that the satirist's bias precludes art or at best allows a kind of "good poster art." When he attempts to distinguish art from the "poetry of protest and revolt" he uses the terms "detachment and impersonality." And he provides us with examples from the poems of Isaac Rosenberg, held up as artist:

*None saw their spirits' shadow shake
the grass,
Or stood aside for the half used life
to pass
Out of those doomed nostrils and the
doomed mouth,
When the swift iron burning bee
Drained the wild honey of their youth.*

In my ears, the cadence chants dirgelike; the imagery shocks my consciousness to horror and pity. I find nothing detached or impersonal in these lines or for that matter anywhere in Rosenberg's poems. Bergonzi's simplistic terminology distracts and misleads.

The abuse of critical vocabulary is equally marked with regard to the complex world of political reality. Bergonzi uses the word "pacifist," for example, to mean those who would not go to war at all, as well as those who fought without much relish. In one place he stops as though to discuss the idea. Byron, he tells us

. . . runs up against the hard paradox that to be a complete pacifist is to acquiesce in tyranny. Some wars—

wars in defence of freedom, as opposed to wars fought for mere empty glory—are just. And here the paradox closes its jaws, for *all* wars are claimed as being in defence of freedom by those who initiate them.

The analysis seems neat, clever. But what it includes by way of undercutting the just-war theorists, it misses by misunderstanding the pacifist. For a pacifist—English, American, Indian, whatever—not acquiescence but *resistance* to tyranny is primary. And as Mr. Bergonzi mentions later in passing, war is the greatest tyranny of all. Of all the matters left unargued, of all the book's easy generalizations, none is more imprecise than its central nonliterary thesis. For Bergonzi's literary purpose seems merely to distinguish this or that poet or novel as the "best" of the pack. But early in his book he drops a nonliterary generalization based on the categories of Hotspur and Falstaff: "Amongst those who fought [in the Great War]," he tells us, "the Hotspur mode in time gave place to the Falstaffian, or something rather like it." More crisply put, "anti-heroic attitudes to war have become dominant" in 20th-century British literature. More ambitiously, and later in the book, he labels the change of attitude "a basic change in human sensibility." And we learn why this change occurred:

Hulme may have vigorously defended the traditional heroic virtues, which had been so nobly upheld at Thermopylae and even, in Tennyson's vision, in the Crimea; but after the mechanized, large-scale slaughter on the Somme in July 1916, a certain necessary balance and proportion has been lost, and these virtues were increasingly devalued.

The villain is mechanization, not man. And once again, Bergonzi suggests, in the words "necessary balance and proportion," that the associated villain is extremism. A little war, a bit of manly destruction of other men is not a bad thing. Wars may have been glorious in the past, but artillery and air power have pushed glory's face into the mud. Wilfred Owen's poems, we are told, "have done more than any work in English to form a sensibility that can grasp the nature of technological war."

Whose sensibility is Mr. Bergonzi making claims for: the poet's? Other, later writers'? the general public's? On his last page, he would include everyone: "This much we have learnt from the writers of the Great War, who absorbed its shock and employed their art to change a generation's modes of feeling."

Certainly most of us make the easy assumption that the First World War changed a great deal. But as I see it, the picture is not the myopic, rosy one drawn here. It is not simply that delicate sen-

sibilities were disturbed enough by the brutality of war to write feelingly about it. It is rather that the rest of us grew more and more accustomed to the more and more distant slaughter. For certainly the world has gone to war again and again since 1918—and to wars more and more impersonally, more and more in-

humanely devised. But how can one argue about a thesis that is never argued?

This should have been a significant book. The literature of the 20th century is the literature of war. We celebrate the fiftieth anniversary of Verdun even as we engage in the same kind of senseless violence in Vietnam.

More Or Less Plagiarized

THE MINE AND THE MINT: Sources for the Writings of Thomas DeQuincey. By Albert Goldman. Southern Illinois University Press. 206 pp. \$5.95.

DAVID J. GORDON

Mr. Gordon teaches in the English Department at Hunter College. He is the author of *D. H. Lawrence as a Literary Critic* (Yale University Press).

The idea of plagiarism seems to have been unknown before the onset of the age of revolution and Romanticism in the 18th century. Stealing, of course, is nothing new in human affairs—we have a Biblical commandment to remind us of that—but there is scarcely anything in ancient, medieval or Renaissance literature to suggest that the act of borrowing from other writers without careful acknowledgment was regarded as reprehensible.

During the 18th century there was a radical change in man's attitude toward authority. Writers began to question the authority of custom, institution and God, and to relocate ultimate sanctions in the self: in reason, emotion and imagination. Originality became a dominant political and aesthetic value.

The modern spirit ever since has been passionately defended and attacked; by the more thoughtful it has been seen as problematic. The freedom which classical writers believed must come through obedience to external authority Romantic writers believed must come through independence, and they felt this to be a gain in human dignity. But the achievement of real independence—i.e., autonomy, emotional as well as intellectual—proved very difficult. Many of the most sophisticated and creative minds of the past 200 years have been trapped in a state of incomplete freedom, in a pattern of defiance and guilt.

The fact is that even the most original writer, whether he knows it or not, must borrow extensively from tradition. If his culture does not fully enough sanction this need, he may come to experience the creative act as a theft, and may be troubled by powerful primitive

excitement accompanied by equally powerful guilt.

The writings of the Romantic essayist, Thomas DeQuincey, as discussed by Albert Goldman, provide a fascinating case in point. Mr. Goldman demonstrates conclusively that about 60 per cent of DeQuincey's essays were adaptations from unacknowledged or dishonestly acknowledged sources. DeQuincey's general practice was to take facts and ideas from some scholarly source—usually a single source in a foreign language—and to recast them, by means of his "extraordinary stylistic ability and remarkable talent for description" into lively journalism. The picture that emerges is of a man who, forced into journalism by financial need, "could only be stimulated creatively by an outside source" but who, thus stimulated, had to exaggerate or conceal his achievement in various defensive contortions.

One such defense was his habit of presenting his more or less plagiarized work as entirely original and of adopting a tone of authority and omniscience to silence any doubt. Another was to "lose" his source or his notes so that he would have to trust his vaunted memory and would feel "compelled to be original." Still another, superficially contradictory, was his practice of casually slipping the

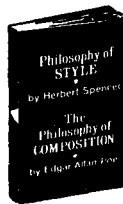
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actual source into his essay and then burying it with contempt. Finally, and perhaps most interesting, there was his tendency to deny even what was truly original in his work by passing it off as authentic scholarship. Mr. Goldman writes:

It is one of the peculiar traits of DeQuincey's character that he must invariably work as though behind a mask; and even when he has expended the most enormous efforts in recasting some wretched piece of historiography or biography, he must perforce claim that his original and highly imaginative work is an authentic and scholarly document. This strange and perverse passion for truth—or at any rate for an appearance of truthfulness—can be ascribed . . . either to his practical sense that a romanticized version of historical fact would not be acceptable to his English readers or else to some deep peculiarity in his nature which made the act of creation something secret and furtive, something that must never be openly avowed.

Mr. Goldman goes on to show that DeQuincey's dishonest claims of presenting in one case something entirely novel and in another something entirely factual were not those of a scheming journalist, but were instead the workings of private fantasy aroused by the situation of writing for a popular audience.

In demolishing DeQuincey's pretensions to vast scholarship, this study dras-

tically alters his reputation; for previous studies have accepted them, noting his dependence on printed sources only in a few instances, not as "a key to his literary career." With this key Goldman is also able to throw new light on DeQuincey as an imaginative writer. Previous scholars have tried to explain "the exaggerations, forced emphases, and bizarre points of view" in DeQuincey's expository essays as "the result of a learned man writing down to a popular audience." But Goldman explains these characteristics more convincingly in relation to the adequacy or inadequacy of DeQuincey's source. When the source is inadequate we see DeQuincey padding to conceal his ignorance and maintain the illusion of "polyhistor"; when it is more than adequate, we see him tacking and veering to find an opening for his balked creative needs.

Goldman concludes that DeQuincey is "essentially a journalist" rather than a scholar, but a highly imaginative one. Since journalism is today such a lively art and the relation of fact and fancy such a lively aesthetic question, the scholarship of this study, though scrupulous and of value to specialists, is itself, in a significant sense, imaginative. Goldman is not a "popularizing scholar" like his subject; he is that too rare person, an authentic scholar who writes with a sense of the contemporary in his bones.

APRIL LIGHT

*Lined with light
the twigs are stubby arrows.
A gilded trunk writhes
upward from the roots,
from the pit of the black tentacles.*

*In the book of spring
a bare-limbed torso
is the first illustration.*

*Light teaches the tree
to beget leaves,
to embroider itself all over
with green reality,
until summer becomes
its steady portrait,
and birds bring their lifetime
to the boughs.*

*Then even the corpse
light copies from below
may shimmer, dreaming it feels
the cheeks of blossom.*

MAY SWENSON

know where to find an ash tray, but in no time at all he put me completely at ease. His introverted novels had not prepared me for such a thoroughly extroverted personality; the vigorous growth of his black curly hair and mustache is entirely in keeping with the vigor of his speech and manner. A native of Brest, he has something nautical about him and might in another century have been the captain of a privateer from that Breton port. His whole outlook on his work has a privateering quality about it. Referring to a fellow New Novelist whom he had tried to advise prior to an American lecture tour, he said, "Robert Pinget insisted on lecturing about the poet Max Jacobs, whereas one should always lecture on oneself—I always do!"

When I told Robbe-Grillet that strange as it may seem my previous critical book was entitled *The Irish Comic Tradition*, he promptly said that it wasn't strange at all for me to write next about the New Novel; a German critic had recently written about himself and Beckett as symptomatic of a Celtic revival of humor (Breton is a Celtic language, though I don't know whether Robbe-Grillet can speak it) in French literature. "You know," he added, "there are pages in my books which make me laugh like crazy (*me donnent le fou rire*) when I reread them." After all, his first book, *The Erasers*, was a parody of a certain type of detective story, even though it did also contain a re-creation of the myth of Oedipus.

Learning that I knew Beckett, Robbe-Grillet laughingly accused me of being a

My Life in the New Novel

VIVIAN MERCIER

A member of the English Department at the University of Colorado, Mr. Mercier is the author of The Irish Comic Tradition (Oxford).

"A literary movement is five or six writers who live in the same city and detest each other cordially." I went to Paris last summer to meet some of the authors of *le Nouveau Roman*—about which I am writing a book—with this famous remark very much on my mind. I could not forget, either, the age-old notion of the critic (myself!) as the natural enemy of creative writers (the very people I had the temerity to want to meet). In actual fact, *les Nouveaux Romanciers* treated me and one another far better than I had any right to expect: the real dangers proved to be not malice and hostility but ambiguity and mutual misunderstanding—things which, by no coincidence, figure prominently among the chosen themes of the New Novel.

As it happened, I met only male New

Novelists, and the nearest thing I found to mutual animosity was a curious masculine "cattiness" toward Nathalie Sarraute, the lone female of the group. One writer assured me that Mme. Sarraute cannot abide Samuel Beckett—*C'est vraiment une haine* ("It's really a hatred") that she feels for him. Another told me with a sly smile that he had recently seen a catalogue offering for sale, among other literary autographs, a letter of Mme. Sarraute's in which she stated categorically that she was the inventor of the New Novel. Some less prejudiced observers might be willing to grant at least a share in the patent to Beckett, Alain Robbe-Grillet, or even—on the strength of *Le Chiendent*, published over thirty years ago—Raymond Queneau.

At first, during the most miserable Paris July on record, everything except the weather seemed to be working in my favor. I telephoned the *Editions de Minuit* on exactly the right day to catch Robbe-Grillet during one of his fortnightly visits to his publishers. He was using a little office that belonged to someone else and didn't

character in Beckett's unpublished novel, *Mercier et Camier*, which we both happened to have read in typescript. He was delighted to learn that Ernest Camier, my former math teacher, and I were about the only alumni of Beckett's Irish prep school to bear recognizably Huguenot names. One soon learns that when Robbe-Grillet's mustache twitches, the remark he is about to make should not be taken altogether seriously; his mustache twitches frequently. He introduced me to Jérôme Lindon, the president of *Editions de Minuit*, with another version of the Mercier-Camier joke. Lindon is a big man with a big, handsome head, and he towered over the compact figure of Robbe-Grillet, but they matched each other in quickness of speech and wit. I had to speak French faster than ever in my life before in order to get a word in edgewise.

Later, I talked to Lindon alone about his authors and about humor. "The average Frenchman still doesn't know what humor really is," he remarked. "To him it's nothing more than *des histoires des cocus* (stories about cuckolds). The subtleties of Anglo-Saxon humor are a closed book to him." To Lindon I owe the story of the small firm which publishes some of the New Novelists and is reluctant to admit that so distinguished an outfit is really a one-man operation. As a result, half the correspondence is signed with the real boss' name, the rest with a pseudonym derived from the name of a character in one of the house's less celebrated New Novels. We both agreed that this was a New Novel situation occurring in real life; as the recipient of one of the pseudonymous letters, I got a slightly eerie feeling that was to recur before my stay in Paris was over.

Thanks to Lindon, I managed to catch Claude Simon, author of *The Flanders Road*, on his way through Paris to the south, where he owns a vineyard at Salses. Like Robbe-Grillet, Simon is compact, lithe, virile and an extrovert, but he looks utterly different from his fellow novelist, being clean-shaven and somewhat bald. He received me with great kindness and courtesy, pouring me glass after glass of the dessert wine produced by his own vineyard and answering all my questions with the utmost frankness. Most of the New Novelists insist that their work is the purest invention, but, as Lindon said to me, "Simon still almost believes in memory." According to Simon, there is no "almost" about it. As Joyce used to, he claims that he cannot invent anything; the extraordinary diary in his novel, *The Grass*, he insists, was copied word for word from one kept by a relative of his, now dead. Eventually he admitted that he recombines events and characters, fills gaps with his imagination, imposes a form upon the

formless, and in general does the novelist's indispensable work in his own way.

He spoke of his admiration for Faulkner, Joyce and Proust, but in the course of two and a half hours of talk, we often strayed very far from literature. I remembered a Rugby match in one of his early books, and we must have discussed *le rugby* for nearly half an hour. The game was an essential part of his growing up in the south of France, as of mine in Ireland, and he had played several positions on the field in his time. After some bilingual backing and filling, I managed to identify the positions as "hooker," "out-half" (picturesquely called *le demi de l'ouverture* in French) and "center three-quarter." It became a bond between us that I too had played "hooker," though I did not attempt to explain the ambiguity of the term in American usage. When I mentioned that Beckett had played "scrum-half" for Portora, our prep school, in the 1920s, Simon recalled that he had coaxed Beckett into attending a Rugby game with him about five years ago; to Simon's delight, Beckett showed more animation in discussing the finer points of Rugby than Simon had ever seen him display in conversation about life or literature.

My interviews with Robbe-Grillet and Simon filled me with euphoria and, although Pinget had been described to me as a solitary, sensitive man, unable as well as unwilling to discuss his own work, I felt no serious qualms about meeting him. Our first interview went off very well, so I asked him to read my chapter on him and correct my errors of fact and emphasis. Pinget is not as well known in this country as he deserves to be, *Monsieur Levert* being the only translation of a novel by him yet published here; a one-act play, *The Old Tune*, translated by his friend Beckett, has been performed off-Broadway. I admire his work greatly, especially his last novel, *L'Inquisiteur*, now available in translation in England and soon, I hope, here. Unfortunately, I had written that certain aspects of his work were "reminiscent" of other novelists and playwrights — meaning to suggest resemblances rather than any imitation. The result was a rather severe letter from Pinget, denying any similarity with the work of anyone whatsoever, returning my typescript, and regretting politely that he could not keep his appointment to see me again for pressing but unspecified reasons.

At once my cozy world collapsed in ruins around me; I found myself an inhabitant once more of what Nathalie Sarraute has called "The Age of Suspicion." I had been expecting to hear from Beckett as soon as he returned to Paris from vacation, but the date of his promised return had long gone by. A telephone call

to Lindon made me aware that Pinget had told him of his dissatisfaction with my chapter. Was Pinget also responsible for Beckett's silence? I fired off a letter to Beckett which showed all too plainly that my ego as a critic had suffered just as much as Pinget's creative ego. I was beginning to feel very much like the frustrated, baffled protagonist of a New Novel when a patient, soothing reply arrived from Beckett to say that he was ill and not equal to seeing anybody at the moment.

But I still had worries: though my Robbe-Grillet chapter was still unwritten and Simon had luckily regretted that his English was no longer good enough to read my piece on him, Queneau was reading my chapter on himself right now. To me the Queneau chapter had seemed full of admiration for a remarkable writer and polymath—poet, novelist, critic, writer on science and philosophy, rejuvenator of the French language, editor of the *Encyclopédie de la Pléiade*. But if Pinget could take offense at what I had written, perhaps Queneau would be indignant at my calling *Zazie*, his best-known novel, a routine performance by comparison with the dazzling originality of some earlier works from his pen. As it turned out, I needn't have had a moment's uneasiness. Queneau, at 62 a long-established member of the



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Académie Goncourt, is too seasoned a professional to care what anybody writes about him: not only does he pay no heed to the critics but he almost never rereads his own books. "It was a curious experience," he remarked to me, "to read what you had to say about *Les Enfants du Limon*. I remembered that when my psychoanalyst read it, she sent me an urgent message. Earlier in 1938 she had terminated my analysis, but after a look at that book she kept me on the couch until I was mobilized for World War II." He gave a characteristic chuckle and passed on to another reminiscence.

Queneau is an utterly charming man but one not much given to committing himself; a mutual friend says that he is a typical, cagey *Normand*, the French equivalent of a Vermonter. When asked if I had done right in including him among the New Novelists, all he would say was "perhaps." Not much comfort for the ego there! In autographing his latest book, *Les Fleurs Bleues*, for me, he wrote, "*Avec toute ma sympathie*, R. Queneau." This doesn't in fact mean "With all my sym-

pathy," but that was the interpretation I put on it.

Claude Mauriac, eldest son of François and a frequent contributor to the *New York Times Book Review*, comforted me more by telling me that a piece of mine in *The Nation* was the most perceptive yet written about his novels anywhere, France included. He was obviously anxious to be kind to me but had his own problems, including that of financing a film that he very much wants to make. In his less preoccupied moments, he passed on some interesting bits of gossip about the other New Novelists, as well as the information that the *Editions de Minuit* were partly housed in a former brothel.

But where was Beckett? By now my wife and son had cast me as the hero or victim of a drama of the absurd entitled *Waiting for Beckett*. Sure enough, on the last afternoon of my month in Paris I got a letter from Beckett saying that he would be well enough to see me on Thursday—the day after my unpostponable departure for Ireland, where my widowed mother was impatiently awaiting me.

compact message, but with the elaboration and scenic visualization of an attitude. That attitude is one of ironic doubt, a shrewd peasant withholding of final assent to accepted dogmas as in such old saws as "blood is thicker than water." Almost every play of Brecht's maturity reveals this trait. I ended that 1948 review of *The Caucasian Chalk Circle* with the observation: "The virtue of Brecht's plays is good sense carried to the point of grandeur."

If we regard *The Caucasian Chalk Circle* as a drama which continuously presses on to an apex of excitement, Brecht's procedure will inevitably seem tedious. Two factors not only circumvent this danger but make Brecht at his best constantly engaging: his writing and his staging. For besides being a poet of great originality, Brecht was a master theatre craftsman. English-speaking audiences rarely appreciate the first attribute because he is devilishly difficult to translate. His writing is a magical transcription of vulgar street lingo into an elevated, almost Biblical purity; it possesses a special elegance. Bentley is faithful to Brecht's text; one cannot blame him for not being altogether successful in recreating this Brechtian transfiguration. What may be required is an "imitation" in the vein of Robert Lowell's treatment of Villon. Meanwhile, it may be possible to stage fine productions with the Bentley translations.

Brecht wrote his plays with his own staging in mind. He was a great director surrounded by assistants and colleagues of like stature. And in all fairness to the Lincoln Center company, and to other American and English organizations which embark on a Brechtian enterprise, the facilities at the Berliner Ensemble are virtually utopian. For this reason I often despair that any production outside the "parent" institution can do Brecht full justice. Still, I thought well of the Actors' Workshop production of *Galileo* in San Francisco (directed by Herbert Blau) and was very much impressed by *Arturo Ui* as done at the Contemporary Theatre in Warsaw.

The Hedgerow production I have referred to was stripped to the bone. Yet the quality and charm came through: it was in touch with the play's spirit. The production at Lincoln Center's Vivian Beaumont Theatre, directed by Jules Irving, is lavish and diffuse. It is spread all over the stage, making a gaudy show which obscures the impact of the words and blunts the style of the work. The heart of the play—the young peasant girl's feeling for the abandoned child—is absent, if for no other reason than that it is overwhelmed in the general display.

THEATRE / Harold Clurman

During the first act of *The Caucasian Chalk Circle* (Repertory Theater of Lincoln Center) the title of one of the author's poems recurred to me: "Concerning Poor B.B." Poor B.B. indeed: he has no luck in New York. As the evening progressed, I wondered if B.B. might not be read "Bloody Bore."

The thought shocked me more than it might please those who still resist Bertolt Brecht. For I admire Brecht. He is first among the dramatists of the past forty years, as well as the outstanding theatrical figure and influence since the founding of his Berliner Ensemble in 1949. In a review I wrote of *The Caucasian Chalk Circle* when it was produced at the Hedgerow Theatre, Moylan, Pa., in 1948, I said: "I have a feeling that postwar Europe may acclaim Brecht."

That production, directed by Eric Bentley (his translation was used then as it is now), was wholly unadorned. For that reason, I could not approve of it wholeheartedly, any more than I could approve the similarly stark 1947 production of Brecht's *Galileo* with Charles Laughton in the central role. For while Brecht's art has its aspects of austerity, his own productions prove that he means his stylistic reticence to dress itself in an aristocratically subdued splendor.

Galileo is staged in Berlin against a background of burnished bronze that

lends the play a ground tone of noble opulence, while *The Caucasian Chalk Circle*—its various scenes played against a scroll painting—is rich in the manner of that Chinese art. To confuse Brecht's sense of the visually pleasurable with the ornate is as aesthetically ignorant as to mistake his restraint for poverty.

The Caucasian Chalk Circle is an epic or picaresque unfolding of the Chinese as well as the Hebrew tale of the wise man who must determine which of two women is the real mother of a "foundling" child. In Brecht's version the rascally but canny judge awards the child to the one who has cared for it rather than to the one who bore it. The moral is stated cryptically yet nevertheless tellingly in the play's concluding lines: "—what there is shall go to those who are good for it, Children to the motherly, that they prosper, Carts to good drivers, that they be driven well, The valley to the waterers, that it yield fruit."

There are many characters and numerous episodes—largely humorous—all of them providing folk-adage comment on government, rule by the wealthy, the law, war and maternal love. The pace is leisurely though the writing is terse; the play seems to approach its destination on a long, circuitous path. But that is Brecht's way: he is not concerned with achieving a sharp, climactic conclusion, or even a

The effect produced justifies those who complain that at least the first two acts of the play—except for their broad comic moments—are barren.

In the first place, most of the acting is neutral. There are minor exceptions: the funny Monk, the cadaverous "Bridegroom," one or two others. I am not sure whether the masks (striking as such) that are worn by all the unsympathetic characters hide or heighten the uncommunicativeness of the performances. But it may not be proper to find fault with the players. Just as Brecht's writing requires a certain reserve, so the objectivity or "anti-emotionalism" associated with his theories is not to be equated with inexpressiveness. The greater the formal restraints Brecht prescribes for his actors the greater the need for feeling, power and precise characterization.

The costumes are elaborate but signify

little apart from the wealth of the wearers. The musicians and singers are too much in evidence, as is the Storyteller who introduces the scenes and comments on the action, though all are placed at the extremity of stage left. The music itself is fake folksy or "popular" rather than the discreet and delicate framework for the subtle and sage narrative picture of *The Caucasian Chalk Circle*. It is a condiment or side attraction rather than integral to the play.

It may seem that I am being too severe, considering the genuine distinction of Brecht's work and the bravery of the Repertory Theater in undertaking it. But a play does not exist in the theatre except as a performance, a thing done, enacted. And courage is not art. For the most part the production now offered on the stage of the Vivian Beaumont struck me as a spectacular dud.

ence, in New York and elsewhere. But when one approaches at first hand those areas where the orchestra is the only musical force in view, the real seriousness of the total orchestral situation becomes terrifyingly obvious, and is brought into glaring focus only by the desperation represented in these attempts to realize a viable contemporary function. Thus, when I went to Cleveland in February to hear an all-"contemporary" program conducted by Gunther Schuller, I suddenly saw in a newly ominous light such familiar facts as that the composers who most significantly represent recent American composition have been least productive in the orchestral domain; that Elliott Carter's first mature orchestral work was composed in his late 40s, and that Milton Babbitt's only orchestral work since the teen-age *Generatrix* was composed in his 50th year; that Arthur Berger, Andrew Imbrie, George Perle, Mel Powell, George Rochberg, Ralph Shapey, Seymour Shifrin, to name only an obvious few, have composed no more than one or two representative orchestral works each; and that, therefore, with the sole exceptions of perhaps Sessions, Copland, Gunther Schuller and Leon Kirchner, there was virtually no literature through which the American listener, dependent entirely on an orchestra for his musical awareness, could become familiar with the entire range of recent American composition, regardless

MUSIC / Benjamin Boretz

One has to travel out of New York to realize fully the extent to which the orchestra dominates public musical life in America. Our musical tradition is, in fact, almost entirely orchestral; we have nothing comparable to the European complex of smaller-city opera houses, for example; and in Europe most of the functioning orchestras originated, and often have remained, primarily as opera-house ensembles. The musical life in New York is focused on the unsurpassable elaborateness and glamour of big-time opera at one extreme, and at the other on a continuous and intensive recital and chamber music activity that ranges from stellar celebrities through various forms of historical and interpretive cliquism to serious and sophisticated performance of traditional and contemporary literature. In these surroundings, the Philharmonic, despite Leonard Bernstein's enormous personal cachet, functions only as a kind of tourist-commuter activity. The configuration of emphases that results is totally unrepresentative of American music as a whole.

Because of this disparity of experience, no amount of chamber music activity in New York will ever be reflected in a general availability of contemporary musical culture to the American listener. The scarcity of activity in other musical media may also explain some of the energy recently displayed by some of the smaller-city ensembles in attempting to salvage a vital musical function for the orchestra by extending its available repertory, and preserving standards of ensemble performance no longer perceivable among

our "big three" (New York, Boston, Philadelphia). New York itself has become almost completely dependent on the Carnegie Hall International Festival of Visiting Orchestras for significant 20th-century orchestral experience, and especially for any contact with recent "advanced" American composition in that domain.

At best, the "major" ensembles have been following several years behind the smaller ones: three or four years ago, groups like the Chicago and Minneapolis Orchestras were giving the first New York performances of the Schoenberg-Berg-Webern-Stravinsky literature since the Mitropolous days, while recently we have had the Schoenberg Violin Concerto from the Boston Symphony (fresh from the first Boston performance ever!), and the Webern Symphony and other "symphonic" works of the 20th century from the Philharmonic. But in the meantime, the more important "provincial" orchestras have begun to explore the newer American repertory: Milton Babbitt's *Relata I* by the Cleveland and Minneapolis Orchestras, Gunther Schuller's Symphony by Houston, his *Gala Music* by Chicago, and his *American Triptych* by Cincinnati, and Elliott Carter's Variations by Minneapolis, as well as the regularly exploratory programming of such rather less prominent groups as the Buffalo, St. Louis, Louisville, New Haven and New Jersey Symphonies.

From his insular vantage point, the New Yorker's initial reaction to these observations is likely to be a euphoric expectation of enriched musical experi-

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of the degree of benevolence or responsibility manifested by his orchestra's direction.

Moreover, it became evident what was bound to happen when an orchestra capable of quite superior playing in the traditional repertory (up to Richard Strauss) was confronted by a formidable new score—in this case, Milton Babbitt's *Relata I*—whose performance required, first of all, a total readjustment of musical hearing to a kind of orchestral articulation that is a new departure, even in Babbitt's language, and of which not a single previous instance had ever been encountered by a member of the orchestra. All of this, furthermore, was to be taught to the players by an outside conductor whose technique and approach were being met for

the first time, over a total rehearsal time—more than usually generous—of five hours. This, by the way, was to be accomplished along with the study of four other 20th-century works: the Webern Symphony, Schuller's *Spectra*, Prokofiev's *Scythian Suite* and Messiaen's *Ascension*. All of these turned out to be unknown to the orchestra—but then, so was Debussy's *Jeux* when Boulez conducted it earlier this season. And equally evident, as well as most alarming, were the implications for the audience's present and perhaps permanent understanding of *all* the work and activity of the composer involved. For the inescapable misrepresentation and near chaos in a performance attempted under such conditions was the one contact they had ever had or were ever likely to have with any aspect of Babbitt's ideas or creative personality.

land audience seemed quite unusually courteous, and even rather proud that it had not only endured but survived an experience whose full complexity must undoubtedly remain inconceivable to an outsider; this at least leaves room for rather more optimism than the crashing ennui of Boston and New York audiences that used to envelop some of the less scintillating modern-music performances of one's youth. And lest this be misunderstood, the orchestra itself posed no untoward complications of its own beyond bewilderment and disbelief that life could be this different, all at once. A convincing demonstration of its basic professionalism in attitude and competence (if not virtuosity) was the superb performance of the Webern Symphony that Schuller evoked, in stunning contrast to the quite dismal one at the Philharmonic last fall.

But what such rare events as this conjunction of Babbitt, Schuller and Cleveland ought primarily to demonstrate to the Ford or any other relevant foundation, is that an absolute requirement for the salvation of American orchestral activity is the establishment of a true virtuoso ensemble, a specialized "elite" orchestra, devoted exclusively to learning and performing new works. This must be accomplished under the regular guidance of a knowledgeable and competent conductor such as Schuller, who would thus not have to waste time and effort becoming involved in the International Conductor circuitry and other professional marginalia in order to snatch a few meager chances to conduct performances of new pieces under inadequate and inappropriate conditions. Such an orchestra, by creating a cohesive repertory and touring nationally with it, would not only make available the real sound of new orchestral music for listeners but would also provide an essential model for any orchestra to follow in learning these and other new pieces on its own. The result, even at this frighteningly late date, might be the reversal of the contemporary orchestra's precipitate descent into musical oblivion.

(A later column will deal with some of the other new orchestral works introduced this season in New York and elsewhere.)

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To say that *Relata I* "triumphed" even under these circumstances would not only be a silly exaggeration but would contradict the essential point that whatever triumphed or failed could hardly have been *Relata I* for the scoreless, contextless audience. For those of us present with both scores and contexts, it was difficult enough to correlate what was going on sonically with what one could read, even though Schuller's usual remarkable perception of long-range projection of sense and shape made many things evident that seemed barely to be played. And while I scarcely feel prepared to characterize *Relata I*, after such a brief and minimal encounter, I had the impression from its apparent realization of an extraordinary multiplicity of dimensional relations latent in the orchestral medium that a new orchestral language—until now missing from the orchestral works of even the composers of the most original recent chamber music—appears to have been, if not discovered, at least revealed as a possibility. What makes this all the more exciting from the point of view of future musical development is that all those things described by Schuller as "happening [here] for the first time in orchestral music" were so clearly derived by imaginative insights from suggestions in earlier music, chamber and electronic as well as orchestral, of Babbitt himself and of his colleagues from Stravinsky to Carter. Thus a striking idea that appears in both *Relata I* and the Carter Variations for Orchestra, in totally different articulative contexts, is the juxtaposition of a series of reiterated staccato trumpet attacks (significantly at regular time intervals in Carter, significantly at differentiated intervals in Babbitt) over a sustained line (a multi-pitched texture in Carter, a single "reference" pitch in *Relata I*).

It should be said, too, that the Cleve-

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